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The Nation.

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EDITORIAL

PRISONER OF ATOMIC MYTH

Not the least power of atomic fission is its capacity to shape the myths of the age that produced it and to determine the lives of the men who made it. With the bomb came the illusion of omnipotence, the compulsion to dominance and the obsession with secrecy. The nuclear ironies pursued Albert Einstein to his grave; they made J. Robert Oppenheimer an outcast. Now they torment Andrei Sakharov and his family.

Sakharov is the father of the Soviet H-bomb: *their* Edward Teller, as the press used to call him, but with a difference. Where Teller invested heavily in the myths of the nuclear culture and used them for his own power and position, Sakharov—like Einstein and Oppenheimer—saw the horror he had helped create and dedicated himself to persuading mankind to step back from the abyss. He worked along the avenue to which he had access, however limited: the difficult path of dissidence in the Soviet political system. For his efforts, he was honored with the Nobel Peace Prize, the admiration of people in all countries and a one-way ticket to Gorky.

Nuclear establishments do not treat their dissidents kindly. The F.B.I. hounded Einstein, and the Atomic Energy Commission, among other government agencies, harassed Oppenheimer. Sakharov and his wife, Yelena Bonner, have fared much worse under the harsh conditions of internal exile, a czarist device that has been perfected by the Soviet leadership. The Sakharovs cannot be released to the West, the Russians say, because they might disclose atomic secrets. That old argument will no doubt be repeated at negotiations on Sakharov's case reportedly begun last week between the Soviet and American governments. But what worries the Russians most is what terrifies all nuclear powers: the destruction of the terrible myths that keep them in control.

BIOREGIONAL GREEN
Kirkpatrick Sale

INTERVENING IN THE THIRD WORLD
Richard Falk

MURDER OF THE MINISTER
Penny Lernoux

CRONY DIPLOMACY
Kai Bird

COVERED STORY
Prudence Crowther

PATRIOTIC GORE
Nicholas von Hoffman

BUGGING BINGE

THE INTRUSIVE EARS OF THE LAW

Not since the Nixon Administration went on a binge in the early 1970s has electronic eavesdropping by Federal law enforcement agencies been as rampant in the United States as it is today. According to the annual wiretap report, issued in April by the Administrative Office of the U.S. Courts, the Federal government installed more than 200 taps and bugs for law enforcement purposes last year. Because of lags in reporting, that figure is not final, yet it is already almost double the past ten years' annual average of 105 and a radical leap beyond the Carter Administration's annual average of 81.

Wiretapping and bugging became legitimate tools of law enforcement in 1968, when Congress passed the Omnibus Crime Control and Safe Streets Act, which specifies they can be used by authorities, with court approval. Since that time, electronic eavesdropping devices have been planted in houses, offices, churches and other places where people speak in confidence. Once authorized, such intrusions are difficult to limit, particularly when the wiretappers want to hear everything, as is often the case. The widespread snooping into the private lives of Americans takes a toll: it inevitably undermines the trust that people need to feel in order to speak openly, to work together effectively and to share intimacies freely.

In the Nixon era, the Federal Bureau of Investigation eavesdropped mostly on small-time gamblers during business hours in an unsuccessful effort to rack up a good box score of convictions and identify the kingpins of organized crime. In the process, the conversations of a relatively small number of innocent people were overheard. No longer. As part of a perennial—

(*Continued on Page 725*)

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LETTERS.

WHOSE DEBATE IS IT, ANYWAY?

Amherst, Mass.

I have yet to read Germaine Greer's *Sex and Destiny*, so I cannot speak directly to Linda Gordon's review ["Bringing Back Baby," *The Nation*, May 26]. But I do have a comment or two about Gordon's gratuitous swat in my direction as she lays out Greer. Gordon presumes that there are certain orthodox feminist-left positions on the family and sexuality; veer from this orthodoxy and one is immediately placed in a lineup with the usual suspects and charged with various New Right ideological crimes.

This new (but, alas, old) form of trashing aims for cloture on a whole range of vital debates. In Gordon's discursive and political universe, it seems, nobody gets to rethink anything: there is either truth or apostasy. Sad. *Jean Bethke Elshtain*

GORDON REPLIES

Cambridge, Mass.

My "swat" at Jean Bethke Elshtain wasn't gratuitous; it was integral to my argument. I was pointing out that Greer's profamily line is not an individual opinion but part of a widespread antifeminist backlash against what has traditionally been called "left" as well as "right." It is Elshtain who usually tries to close discussion—by ignoring the rich debate within feminism, representing the most conservative varieties of feminism as its whole and then blaming the women's movement for the loneliness and cruelties of contemporary social and personal life. The similarity between Elshtain's and Greer's work is striking. *Linda Gordon*

RADIO, RADIO

New York City

I hate to disagree with my confrère Daniel Singer, whose reportage I much admire, but I think he has missed the point in his comments on Mitterrand's policy on the free radio stations ["Schools, Sculptors and Spring Fools," *The Nation*, May 5].

During his campaign, Mitterrand pledged cultural decentralization and an end to censorship, promises that won him the support of the overwhelming majority of independent artists and intellectuals. But the illusory nature of those promises has been a significant factor in the disaffection of the avant-garde's most liberated cultural circles with the Socialist government. The media laws Mitterrand promulgated after May 10, 1981—denying "free radios" the right to accept paid advertising, thus forcing them to survive on pitifully small state subsidies—effectively eliminated the ability of those stations to produce significant news and public affairs programming, including that critical of the more restrictive aspects of Socialist policies. It is important to understand that the 900 free radio stations, especially those outside Paris, are the center of whatever exciting cultural activities exist in the stifling atmosphere of the provinces; they provide the only leaven to the heavy-handed quality of "official" radio and television.

The new laws are, in fact, an extremely effective form of censorship, especially since they were coupled with raids on a carefully selected (read: most radical) list of stations. Police smashed broadcasting equipment and destroyed the elaborate studios of Captain Video, the first pirate television station in Paris (in whose first broadcast I participated) which operated only one hour a day in the early morning after the close of the state television's programming, thus posing no problem of "cacaphony," as suggested by Daniel.

Among the stations targeted for elimination by the Socialists was *Fréquence Gaie*, the world's only all-day gay radio station. It won the right to share a frequency with another free radio station only after a series of demonstrations and a considerable outcry that proved embarrassing to Mitterrand. The President had received the endorsements and the votes of the overwhelming majority of France's homosexual communities, to which he had also made a raft of campaign promises.

Culture Minister Jack Lang had earlier promised to revivify the French film industry, yet the largest part of the budget of the commission that controls those state subsidies has been awarded to big-name foreign directors, while *l'autre cinéma*, the independent, avant-garde filmmakers, has got next to nothing. Further, there has been a recent attempt to control independent video production by a repressive scheme of taxes, along with proposals to renew some of the more censorious provisions of the notorious law "X," which deals with pornography—shades of Pompidou and Giscard! That law is perceived to be aimed at sexual minorities and cultural radicals.

This is not a small issue. In Spain, the Socialists are grappling with the same problem and are apparently following Mitterrand's lead (as are the Socialists in Greece, who are, frankly, much worse). I am no fan of either capitalism or the market economy, but many of us believe that even under a Socialist government, independent artists and broadcasters have the right to sell their works in any way they can. To say that we are somehow celebrating the myth of the "free market" is to misunderstand both the nature of the debate and the Socialists' establishment of a "second-class citizenship" for creative people who criticize the government, not from the right but from an independent and radical standpoint.

I would also be curious to know what Daniel makes of the recent series of frightening police raids on Paris gay bars.

Doug Ireland

SINGER REPLIES

Paris

I always read Doug Ireland with pleasure, whenever I get the opportunity, and usually we find ourselves on the same side of the fence. Is this an exception? Let's first clear misunderstandings. In a short diary item I had no space to describe in detail the "merging" of various free stations or to make value judgments. Some streamlining, however, was inevitable (one wealthy conservative station, for example, with a strong transmitter, was jamming some poorer *radios libres*). Also, I didn't have Doug in mind when writing about the naked power of money. Giscard and Chirac have since been arguing whether the bulk or the whole of public radio and television in France should be handed over to commercial interests.

I could duck the issue by answering that under socialism, nobody will sell his or her labor as a commodity. But Doug writes only about a Socialist government so let's get to the heart of the matter. Nowhere did I present the rule of the establishment, ruthless or subtle, as my ideal. I merely suggested that in our societies as they stand, the alternative to the power of the state is the direct power of money. Does Doug really believe that the forces of the market will provide much room on radio and television for "creative people who criticize the government . . . from an independent and radical standpoint"? The American and, more recently, the Italian precedents tell a different story.

Individually, as he points out, we have to sell our work the best we can. Collectively, we must seek a way between the twin evils of Big Brother and Big Business. Would a genuine socialist government have taken us along this uncharted road? Yes, but such a government would have replaced the capitalist state with something else and would have started at once dismantling its institutions. Neither of us expected anything of the kind from Mitterrand.

We are both against the Leviathan. But I think state power will neither vanish nor wither away until we eliminate the class differences, the social inequalities and injustices upon which it rests. Is this where we differ? We obviously agree that this achievement will not come from above, thrust upon us by some "socialist savior."

As to Doug's final question, allow me to treat it as rhetorical. I hope that none of my *Nation* readers have doubts about my answer. *Daniel Singer*

The Nation welcomes letters—typed, double spaced and no longer than 300 words, please. Longer letters may be edited for reasons of space. Our policy is to publish as many letters as space permits, but inevitably a backlog develops, so please bear with us.

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EDITORIALS.

Rust Belt Revival?

New Bedford, Massachusetts, has a history as a great whaling port, a bustling fishing town and a sturdy manufacturing center. But its present is grim, and its future seems devoid of promise. Rough winters, demographic shifts and a sharply falling local business profit rate have conspired to bring more than a fair share of hard times to the community. Unemployment runs far above the state average, factory owners pack it in or flee to more congenial locales, and the social fabric shows the wear and tear. New Bedford's biggest story in recent times was the case of a gang rape of a woman on a tavern pool table.

But from the bottom of this trough of troubles, New Bedford is looking up with a new idea that is more than a political slogan and that could point the way to immensely important changes in the American urban political economy. According to a plan now under discussion, the city would use its right of eminent domain to buy one of its oldest companies, Morse Cutting Tools, which is about to be abandoned by its multinational conglomerate owner, Gulf + Western. New Bedford would run the works or sell

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it off to another suitable buyer. In either case, some 450 jobs would be saved, and if the company was revivified, many more of the 750 jobs that have been lost there in the last several decades might be restored.

Over the years, municipalities throughout the country have bought up private transport and light and power companies. Some have made equity investments in local business: Hartford, for instance, owns a piece of a downtown hotel. But there is no tradition of city ownership of manufacturing operations. The problems are formidable. Public service companies can count on stable, predictable markets of power consumers, bus riders or train commuters. A conveniently located new hotel will usually attract a steady flow of tourists and salesmen. But a factory must compete in a wildly fluctuating national and international market. What Gulf + Western ran into the ground, New Bedford would be hard put to resurrect.

However impractical the case of Morse may be, the principle involved is enormously attractive. Municipal enterprise does much more than save one big industry. It allows community authorities to make plans in a wide area of development: in housing for workers, in the reconstruction of a service infrastructure, in transportation, recreation and education. Money generated from the business could be plowed back into city services—and investments in related businesses. Unions, workers' cooperatives and citizens' groups could be organized to participate in the development schemes.

The key to success in municipal enterprise is the democratization of the planning process. Innovation must be built into the system. City ownership alone does not insure that a company will contribute to general development. There is always the possibility of failure with "lemon socialism"—the public takeover of businesses that have been doomed by private enterprise. But if New Bedford makes the deal, a tantalizing precedent will be set for rebuilding the decaying cities of the Rust Belt.

Bioregional Green

Almost 200 people gathered last month somewhere on the high-grass prairie—formally known as northwest Missouri—for the first continental bioregional congress the world has ever seen. At the end of it, most of them came away with a sense not only of what the awkward word "bioregional" means but also of something very much like a *movement* growing around it.

It was a motley crew, in the best sense, drawn from all over North America: Oregon tree planters mixed with New Jersey video experts, Ozark farmers with British Columbia communards, Minnesota soil experts with Vermont antinuclear organizers. After five days of workshops, speeches, panels, slide shows and endless conversations, most of them saw their lives and their visions become unified and energized under the banner of bioregionalism.

Strange word, that, but useful. A bioregion is simply a section of the earth with unifying characteristics of flora, fauna, soil, water and the like—a watershed, say, or a mountain range—and bioregionalism is the philosophy that argues such regions, determined by nature and not legislature, must be understood, safeguarded, developed and honored.

This is how the idea was tentatively put by a committee at the congress:

> Bioregionalism recognizes, nurtures, sustains and celebrates our local connections with: land; plants and animals; rivers, lakes and oceans; air; families, friends and neighbors; community; native traditions; and local systems of production and trade.
>
> It is taking the time to learn the possibilities of place.
>
> It is a mindfulness of local environment, history and community aspirations that can lead to a future of safe and sustainable life.
>
> It is reliance on well-understood and widely used sources of food, power and waste disposal. . . .
>
> The bioregional movement seeks to re-create a widely shared sense of regional identity founded upon a renewed critical awareness of and respect for the integrity of our natural ecological communities.

Perhaps it doesn't seem like much. But when you get 200 people who have never met before making connections with one another and sharing ideas under a single banner, a philosophy as abstract as that can take on a life of its own. What I and those I talked with felt was that the philosophy gave people a new way of seeing their lives, of touching others, of *involving* friends and neighbors in the paramount task of rescuing the earth's communities—and our own.

One of the principal ways of doing that, Green politics, came in for exhaustive (or is it exhausting?) discussion at the congress. I'm not sure there ever was a complete consensus—the manner by which every issue at the congress was decided—but there was a general feeling that some kind of Green political movement, grounded in the philosophy of bioregionalism, was a vital and immediate necessity in every local constituency across the continent.

Accordingly, a Green politics network has been formed (Green Organizing Committee, Box 91, Marshfield, Vt. 05658), with contacts throughout the continent, to start bioregionally based Green parties and movements, aiming eventually to run candidates for local office and put pressure on local agencies and officials. Its guiding principles are simple, among them:

> Human consciousness, society and governance must be rooted in, observant of and in balance with ecological imperatives. . . .
>
> Appropriate governance should be largely decentralized to local and regional levels. . . .
>
> A sustainable economy must be based on nonviolent ecodevelopment that acknowledges finite resources, decentralization and diversity.

The next few years will tell whether Green politics—or the bioregionalism behind it—will take hold on this continent. The ecological imperatives we face demand it, of course, but I would not be so optimistic about its power to win over the stultified hearts and minds of our populations if I had not seen it at work during one hectic week in Missouri. The past

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is killing us; the present is inert and unheeding; this is the politics of the future, and an awful lot of people seem to sense it.

Congress proceedings and additional information are available from the Bioregional Project, New Life Farm, Box 129, Drury, Mo. 65638. KIRKPATRICK SALE

Kirkpatrick Sale, a member of the coordinating council of the North American Bioregional Congress, is writing a book on bioregionalism.

Intrusive Ears

(*Continued From Front Cover*)

and futile—war on drugs, the Reagan Administration is concentrating its wiretapping and bugging on suspected traffickers.

During Carter's term, there was an average of 24 drug-related taps a year; by contrast, of the 208 reported taps authorized for 1983, 140 were for narcotics investigations. Each drug tap catches many people in many conversations, as the eavesdroppers listen in twenty-four hours a day, often in residences or offices. Last year the average reported Federal tap caught 177 people in 2,057 conversations; that comes to 36,816 people overheard in more than 427,000 conversations. As drug use increases among people not normally involved in criminal activity, more innocent conversations, often of the most intimate nature, are intercepted.

The Supreme Court has encouraged this dragnet by allowing eavesdroppers to ignore Congress's mandate that they make a good-faith effort to minimize their interceptions. As a result, only 15 percent of the intercepted conversations are what the government characterizes as "incriminating" (whatever that means), and according to several studies, that percentage is overstated. Thus, even by prosecutors' figures, at least 85 percent of everything overheard has no criminal connection.

Wiretapping in drug cases is not just sweeping; it is expensive: only surveillances in racketeering investigations cost as much. In 1983 Federal wiretaps reportedly averaged more than $65,000 each because of the increasing proportion of drug taps; thirty-two reportedly cost more than $100,000 each. The average tap in Federal investigations unrelated to racketeering or drugs costs about $50,000. And none of those figures include the cost of lawyers' and judges' time.

Of the investigations that utilize wiretaps, drug cases produce the highest proportion of convictions. In 1981-82, for example, 130 taps and bugs were installed for narcotics investigations: 56 of those, or 43 percent, were associated with convictions; of the 114 taps in nondrug cases, only 28, or 25 percent, were associated with convictions. Still, various studies indicate that often the wiretap contributed little or nothing to obtaining the conviction.

Wars on drugs are wasteful public relations ploys anyway. The authorities may get a handful of big hauls but they rarely catch the big operators. In 1982 a state police eavesdropping specialist told *Police Magazine*, under a promise of anonymity, "The best you usually can hope for is to get the people who actually handle the drugs from day to day." As for penetrating the upper strata of organized crime, "you get to a certain level and then you stop," said a Connecticut police intelligence expert. "If you stumble onto something big, it's more by chance than anything else." That is why some experienced district attorneys, like Mario Merola of the Bronx, who once considered wiretapping the weapon of choice in fighting drugs, rarely use it now. Only New York, New Jersey and Florida continue to wiretap heavily, and the way they use the taps often makes no sense. In 1983, seventeen wiretaps were installed in Suffolk County, New York. In the drug-inundated Bronx, however, there were none; Brooklyn and Buffalo had only one each.

In addition to law enforcement wiretapping, national security taps under this Administration soared for the third straight year. Those taps are allowed under the Foreign Intelligence Surveillance Act of 1978 (FISA) which sets a looser standard than the Omnibus Act of 1968. During 1979 and 1980 an annual average of 320 national security surveillances were ordered. But in 1981, President Reagan's first year in office, the figure jumped to 433; in 1982 it was 475, and in 1983, 549. Although most taps authorized under FISA are supposed to be directed against foreign agents, Americans are being increasingly targeted. What dire threat to national security justifies this steadily growing intrusion on individual liberty?

On May 9, 1984, the House Intelligence Committee issued its annual report on wiretapping under FISA and, as usual, it didn't say much. This committee and its Senate counterpart are supposed to oversee the agencies that operate under the statute, to make sure that it is not being abused; but their oversight does not inspire confidence [see Schwartz, "How Do We Know FISA Is Working?" *The Nation*, October 29, 1983]. The only way to determine whether the statute is working properly is to review applications individually. As the committee admitted ruefully, however, the ones that the Administration made available for committee inspection were censored in such a way as "to reduce significantly the utility of the review process." Yet that didn't stop the committee from concluding, on the basis of "extensive discussions" with Administration officials, that the system was operating well. The committee warned, however, that since "effective oversight must be based on a more permanent foundation than good working relationships," it will in the future insist on reviewing the original, uncensored applications and "expects the Department of Justice to cooperate in this effort." Lots of luck.

In this fourth year of an Administration committed not only to wiretapping but to censorship, lie detectors and other repressive devices, it is impossible to resist invoking George Orwell's nightmare masterpiece. If Reagan is reelected, however, and especially if he gets the chance to make a few more Supreme Court appointments like Sandra Day O'Connor, 1984 may come to look like the good old days. HERMAN SCHWARTZ

Herman Schwartz is a contributing editor of The Nation *and a professor of law at American University.*

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MINORITY REPORT.

CHRISTOPHER HITCHENS

The Department of Justice, under its present stewardship, makes the legendary three monkeys appear acute, farsighted and loquacious. In the case of President Carter's stolen papers, it adopted a policy of not seeking witnesses, and when witnesses came forward, of not listening to them. But in the case of P. Takis Veliotis it has surpassed itself. Here is a man pleading to give evidence, offering even to incriminate himself to expose wrongdoing in high places and save some of his own skin. And Justice has told him to save himself the trouble.

In 1983, Veliotis, in his capacity as vice president of General Dynamics and former general manager of its Electric Boat division, was indicted by a Federal grand jury for taking kickbacks from a supplier. He is a fugitive and, as a dual national, has taken refuge in his native Greece. Veliotis, a prudent man, did not leave empty-handed. He took with him numerous company records. He says he has proof that General Dynamics made a fraudulent claim, of almost $1 billion, in its contract for Los Angeles-class attack submarines. He also purports to know with whose connivance this fraud, and others, occurred. The Justice Department, which in 1981 decided with its usual flair that there was "insufficient evidence" to move against General Dynamics (and which, incidentally, contradicted Adm. Hyman Rickover in the process), refuses even to take his testimony.

In a letter to Senator William Proxmire defending this course of inaction, Assistant Attorney General Stephen S. Trott says, "For your information, at the time the claim was submitted to the Navy, Mr. Veliotis was not employed at Electric Boat." But in its do-nothing zeal, Justice has purposely overlooked the fact that before he took up his post as general manager, Veliotis spent considerable time interviewing key officials at the company and taking part in executive meetings. The department adds, sententiously, that it does not want to "undermine" the kickback case against Veliotis himself. But it knows as well as I do that Veliotis is not asking immunity from the kickback prosecution. He is prepared to name dates, names and locations in far more important cases. So, to repeat Senator Proxmire's question, What is the Justice Department waiting for?

The answer, in all likelihood, is that its political masters are terrified of an investigation of General Dynamics. Such a probe could not only drive a politically influential corporation to bankruptcy but also expose a nexus of mutual gratification that extends deep into the government. When Veliotis finally talks, even E.F. Hutton will listen.

Most of the attention focused on Veliotis has had to do with the General Dynamics submarine "buy-in." But the truly embarrassing case may be an entirely different one.

When he took office, President Reagan promised repeatedly to aid the depressed maritime industry by giving a share in Naval cargo operations to independent companies. There is now a mass of evidence to suggest that the Navy fixed bids and continued to award the contracts in the sweetheart tradition. In one instance the sums involved, and the beneficiaries, are so significant that even an honest Justice Department might quail at the prospect of an investigation.

The Navy decided in 1982 that the world needed thirteen more noncombat auxiliary cargo (T-AKX) and five more tanker (T-5) vessels. When Congress refused to authorize the huge sums involved, the Navy bypassed it by arranging long leases and farming out the contracts. The cost to the taxpayer will be $18 billion which, according to independent auditors Coopers & Lybrand (whose warning was ignored), may be as much as 160 percent of the cost of outright purchase. Coopers & Lybrand were replaced by the more agreeable Argent Group, apparently formed for the purpose, which received $2 million for its brief study recommending the leasing deal. Other beneficiaries include General Dynamics and Ocean Carriers Inc. George Sawyer, the Assistant Secretary for Shipbuilding and Logistics who helped the contract through, is now on General Dynamics' payroll. Ocean Carriers is an offshoot of the Zapata Corporation, a Texas-based oil company whose co-founder and first president was George Bush. The Vice President's financial disclosure statement records that he still enjoys deferred benefits from Zapata.

There are other connections—of the sort that newspaper financial pages sometimes describe as "intriguing." When a T-AKX contract was awarded to a Danish line, a "consulting fee" of $2 million was paid to John J. McMullen, then the major shareholder in Zapata, who employed George Sawyer as president of his own firm *before* Sawyer became Assistant Secretary. General Dynamics had a major contract with Zapata to build liquefied natural gas tankers at the Quincy, Massachusetts, shipyards, where Veliotis once held sway. Funding for Zapata's clone Ocean Carriers (which was ludicrously undercapitalized when it landed the tanker deal and was not subject to pre-award survey) comes from the Bank of the Southwest, in which a major stockholder is the M.D. Anderson Foundation of Houston. That foundation has been known as a C.I.A. "cooperator" for years.

All of which may sound like an adventure playground for amateur paranoids. But it was serious enough to merit a high-level meeting last November 18. Cabinet secretary Craig Fuller was present, as was Reagan's chief counsel, Fred Fielding. So was Stephen Trott, the Assistant Attorney General who specializes in thinking up reasons not to question Takis Veliotis. The initiator of the meeting was Joseph S. Wager, a Washington lawyer acting for one of the maritime firms "frozen out" by the Navy's bid-rigging. ("I was," Wager says dryly, "a Republican until recently.") When, after thirty minutes, Wager mentioned the M.D. Anderson Foundation, Trott suddenly ended the meeting, over objections from Fuller, and asked that the whole matter be summarized in a two-page memorandum.

It is impossible, as I've learned, to summarize the whole matter in anything like that space. But only a few weeks after that meeting, Veliotis began to sing. When he is heard, the generally undynamic attitude of the Justice Department is in for a severe shock—as is the whole welfare state system by which we all finance the corporate world and its politicians.

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SOVIETICUS.

STEPHEN F. COHEN

As the 1984 Presidential election approaches, it appears that voters will not be given a clear choice on the most fateful political issue of our time—cold war or détente. The nature and logical results of President Reagan's cold war policy are clear. American-Soviet relations are at their most dangerous stage in two decades. Virtually all diplomatic solutions to political problems have been abandoned in favor of military ones. American troops are being readied for combat against an alleged "Soviet threat" in Central America. And a new strategic weapons race is unfolding which will increase the risk of nuclear war, render arms control even more difficult and make another generation of Americans captive to soaring military expenditures.

Despite those perils, the Democratic Party has failed to put forward a real alternative. Indeed, its two leading candidates for the nomination seem to have no Soviet policy at all. Both promise to end the nuclear arms race, but neither has specified any diplomatic solutions to the American-Soviet *political* conflicts that underlie the arms race. Both fail to understand, or to tell voters, the plain truth: a comprehensive policy of détente remains the only rational alternative to cold war.

What follows, therefore, is the kind of détente program that the next President—whoever he will be—should advocate. It is based on three principles:

• The United States, while disliking many aspects of Soviet behavior, should recognize that the Soviet Union is a legitimate great power with equal rights and interests in world affairs. By stating this principle of political parity, the U.S. government would seek to renew a civil dialogue with the Soviet leadership and to eliminate the political reasoning behind quests for military superiority on either side.

• While seeing the Soviet Union as a powerful and dangerous adversary, the U.S. government should no longer exaggerate the Soviet threat to American interests or to world peace. The American people must understand that Soviet ambitions abroad are constrained by many factors other than U.S. military power and that the Soviet Union is not responsible for every incident of unrest in the world.

• The American people should have a realistic understanding of détente. It is neither appeasement nor a promise of harmonious superpower relations. Instead, it is a diplomatic process of political negotiations through which conflict between the rivals might be partially reduced by mutual accommodation and cooperation.

Having stated those principles, a pro-détente President must offer specific steps designed to begin negotiations on major American-Soviet conflicts of the last decade. Here, briefly, are a few such policies, some to be pursued publicly, others through quiet diplomacy:

1) The President announces a one-year moratorium on the testing and deployment of all American nuclear and antisatellite weapons on the condition that the Soviet leadership respond in kind. During that year, the two governments will reopen all arms control questions and try to improve their political relations. In addition, the President asks the Senate to demonstrate America's commitment to arms control by ratifying SALT II before it expires in December 1985.

2) In order to resolve two important issues that disrupted relations in the 1970s, the President asks Congress to repeal the Jackson-Vanik and Stevenson amendments, which severely limit trade between the two countries by linking it to Jewish emigration from the Soviet Union. Disavowing economic sanctions as a policy, he pledges that only actual military technology will be excluded from trade with the Soviet Union. In return, the Soviet government must privately agree to relax existing restraints on Jewish emigration.

3) Acknowledging that both superpowers have vested political interests in the Middle East and that no lasting peace settlement there is possible without the support of both, the President asks the Soviet Union to rejoin regional multilateral negotiations, from which it has been completely excluded since 1978. In return, the Soviet Union must persuade its Syrian and P.L.O. allies to recognize formally Israel's right to a secure existence.

4) Realizing that American offers to sell weapons to Beijing have served only to provoke Soviet military anxieties and to outrage our former military ally in Taipei, the President announces a revised China policy: the United States will seek full diplomatic and economic relations with both Chinas, but it will not furnish weapons to either of them. More generally, the United States renounces the idea of any Washington-Beijing axis against the Soviet Union.

5) While deploring the Soviet war in Afghanistan, the President recalls America's difficulty in finding a way out of Vietnam. Therefore, the U.S. government will support any plan leading to a negotiated settlement and Soviet withdrawal.

6) The President proposes a special American-Soviet commission to draft a code of mutual restraint (including an experimental zone of military nonintervention) in the Third World, which is the scene of many indigenous wars and fruitless superpower conflicts. As the largest suppliers of arms to those regions, the United States and the Soviet Union have an obligation to replace military aid to developing countries with economic aid. To set an example, the President will consider requests for American economic assistance even from self-professed revolutionary governments providing they do not allow their countries to be used for Soviet military bases. This policy applies to revolutionary countries in the Western Hemisphere as well, particularly Cuba and Nicaragua.

Are such détente policies, and others that might reduce American-Soviet conflict in Eastern Europe and elsewhere, realistic? It is not unrealistic to think that the Soviet leadership, faced with serious cold war problems of its own at home and abroad, would respond positively to at least some of them. But because such policies would offend powerful American lobbies and constituencies, it is harder to imagine a President with the political courage to adopt them.

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ARTICLES.

INTERVENING IN THE THIRD WORLD

Colonialism by Modern Means

RICHARD FALK

Last October, while I was in Hong Kong at a meeting of Asian lawyers and judges, the United States invaded Grenada. My colleagues at the conference, prominent men and women of moderate political persuasion, had gathered to coordinate human rights activities in their region and to discuss ways to curb the worst abuses of particular governments there. In certain respects, they were naïve. They didn't understand why the United States, which they associate with the defense of democracy, was encouraging repression throughout the Pacific. They had invited me to dispel their confusion by addressing the question, Why does the United States support repressive governments in the Third World? Not an easy assignment, even without jet lag.

When we first got word of the Grenada invasion, the Asian jurists, several of whom had never heard of the island and could not find it on available maps, thought that Reagan was playing some kind of geopolitical joke on the American public: frustrated in Central America, bogged down indefinitely in the Middle East and challenged by anti-American outbursts in the Philippines, the President had feigned the invasion of Grenada. They thought it inventive of the United States to attack a nonexistent country and were prepared to applaud the Hollywood bravado that they—not unrealistically—regarded as the substance of Reagan's Presidency. Their fantasy about the invasion wasn't much more of a distortion of reality than the American press's presentation of it.

Even some in the liberal media went along with the Administration's view that here at last was a U.S. military victory worth celebrating—as if an elephant's success at stomping an ant could be construed as proof that the mighty beast's prowess was, despite recent doubts, undiminished! The country's Wild West sensibility had been so wounded by defeat in Vietnam and humiliation in Iran that any encounter that was not an outright disaster could be presented to America as an occasion for national celebration.

When the reality of the invasion finally sank in, the conference participants' responses were harsh. People in the Third World, even conservatives, are rarely willing to weigh the pros and cons of an action with the even-tempered approach of a *New York Times* editorial. Superpower intervention in the Third World is almost always perceived as imperial diplomacy—a continuation of colonialism by contemporary means. In the case of Grenada, when one penetrates the various veils of justification our political leaders offered as explanations for the invasion, the underlying reality has a stark simplicity: there, at last, was a chance to prevail in the Third World. In Grenada—unlike Vietnam, El Salvador and Lebanon—America's goal of restructuring the internal politics of a Third World country could be achieved. Despite the gratitude that most people in Grenada apparently felt toward the invaders, to Third World observers it looked like one more instance of rich, powerful, white capitalists imposing their will on a poor, outgunned, pathetically weak, nonwhite nation.

Although perhaps applicable to Grenada, that generalization doesn't hold for every intervention. Even as the United States deepens its involvement in the latest Persian Gulf crisis, it is important not to identify intervention in the internal affairs of foreign states only with machinations that start on Pennsylvania Avenue. The Soviet Union is also intervening in the Third World and, assuredly, not always on the side of liberation. When its assets are threatened by popular discontent, as in Afghanistan or Ethiopia, Moscow has demonstrated that it is willing to use military force, an attitude that is fully consistent with its counterrevolutionary relations with Eastern Europe and large segments of its own population.

At the same time, one must distinguish between the Soviet and American roles in the Third World. Ever since World War II the Russians have had a natural affinity for the peoples of the Third World. Immediately after the war, Moscow had no foreign investments or privileged status to protect. It possessed no foreign bases, and it wasn't involved on any level with the colonial order.

In a way, beyond the Western Hemisphere and the Philippines, the United States also had a fairly clean slate in 1945. Even in its "backyard," its interventions compared favorably with European colonialism. The U.S. presence was generally temporary, with the notable exception of Nicaragua, and it often produced a respite from the shocking repression of the indigenous government. The United States tolerated formal political independence in Latin America (except, of course, for Puerto Rico), which was the primary goal of national liberation struggles at the time. America's anticolonial image was further enhanced when President Truman voluntarily pulled down the Stars and Stripes in Manila in 1946. As the postwar world began to take shape, the United States was respected more than feared. Although the predominant military and economic power in the world, it remained associated with ideals such as the right to self-determination. The first generation of Third World leaders, including Ho Chi Minh, looked to the United States for ideological support and inspiration. Only after being rebuffed did they turn to the Soviet Union. (In fact, as late as 1970 children in North Vietnam were required to memorize the

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Declaration of Independence, at the very time American bombs were devastating their country.)

In the early postwar years the United States had a definite opportunity to side with the peoples of the Third World. Why did our leaders choose instead to join the forces of reaction? The explanation is ideological and geopolitical. U.S. leaders believed that the success of Third World nationalists jeopardized America's economic and diplomatic interests. In addition, the elite swallowed whole some questionable assumptions about international politics, especially the notion that with colonialism on the run, a power vacuum would exist. They simply assumed that non-Western countries would automatically turn Marxist-Leninist and ally themselves with the Soviet Union if they didn't become capitalistic and ally with the United States. Today that argument flies in the face of experience which shows that nonaligned nationalism dominates in Third World countries when they are left alone.

For many opinion makers in this country, however, the idea of inevitable bipolar alignment provided a pretext for maintaining political control or economic and strategic advantage. To mobilize public support for costly overseas military adventures, the true character of conflict in the Third World had to be distorted. The American public was susceptible to arguments favoring intervention to offset the Soviet challenge, particularly while "the Munich lesson" remained vivid. Lyndon Johnson and his close adviser Walt Rostow worked overtime to make the public believe Vietnam was analogous to World War II. Resisting Communist "aggression" in Vietnam, they argued, was far better than waiting until the Russians swept across the Pacific to Hawaii or California.

Following a short period of American wound-licking after Vietnam, the spirit of interventionism revived. The 1973-74 OPEC oil embargo and revolutions in Iran, Nicaragua and Angola prompted alarmists in high places to begin warning of America's decline and imminent fall. As a result, the United States developed the Rapid Deployment Force, ostensibly for intervention in the Persian Gulf but available for use anywhere. The memory of Hitler having dimmed and the "loss" of Vietnam having failed to produce the predicted domino effect, the interventionist argument became more candidly imperial.

Intervention was no longer promoted merely as a necessary counter to Soviet-inspired aggression, although the Soviet invasion of Afghanistan in late 1979 helped American hawks immeasurably in swinging the public back to a militaristic mood. The primary rationale became the threat to Western access to oil and the need to maintain control of the sea lanes used in transporting it—an argument we have again heard in recent weeks to justify increased arms sales to Saudi Arabia. Similarly, in Central America, the main interventionist rationale has become the U.S. "strategic" interest, meaning that U.S. dominance must be maintained in the face of revolutionary challenges. To be sure, the Soviet threat has been invoked all along to drum up support and to deter opposition, but the real purpose of our policy is to reassert the primacy of American control in regions of strategic importance. This helps explain the recent promotion of the Caribbean and Central American region as a top geopolitical priority. In the last six years U.S. imports of crude and refined oil products from the Caribbean region have risen from 17 percent to 45 percent of the total, and rich deposits of several scarce strategic minerals exist in Central America.

The United States is a peculiar kind of imperial power in that it is committed to an ideological posture that disavows imperial practices and designs. Ronald Reagan routinely claims that Marxism-Leninism is the colonizing force in the hemisphere and that the anticolonial United States is balancing its own strategic imperatives against a passionate mission to promote democratic pluralism. At the same time he dogmatically insists that the left can never be the bearer of democratic values, while the right can somehow be coaxed toward moderation.

If Grenada signaled the U.S. government's renewed willingness to intervene with military force and treat the Caribbean as an American lake, the Kissinger commission's report on Central America represents a brazen ideological attempt to reinvent the Monroe Doctrine. It is appropriate that Henry Kissinger, one of the prime manipulators of the public mind, orchestrated the process that produced the so-called bipartisan report, and equally appropriate that it is dedicated to the arch-hawk, cold war liberal Henry Jackson. For the commission invoked all the discredited half-truths of the Vietnam era in its search for an acceptable rationale for intervention in Central America. Above all, it sought to pacify mainstream liberal critics in the Democratic Party by producing "a package" that wraps an essentially reactionary military approach in a thick layer of economic aid and a thin layer of human rights concerns. But the second layer is embarrassingly transparent even for true believers, given the regimes Reagan is bolstering in El Salvador, Honduras and Guatemala, and the murderers the U.S. Army is training, equipping and advising on the borders of Nicaragua. The choice in Central America is to fight the revolutionary forces by siding with rightist militarists or to withdraw from the fray. To insinuate a concern for human rights into that setting is, as conservatives correctly insist, ridiculous.

The report is full of assertions that need to be inverted to make any sense. For instance, it states, "As a nation we are certainly not opposed to indigenous reform in Central America. . . . Nor are we threatened by indigenous revolutions that use local resources and appeal to local circumstances." How then are we to understand Kissinger's destabilization program directed at Salvador Allende's constitutionally elected government in Chile or the C.I.A.-sponsored coup against the Arbenz government in Guatemala in 1954, neither of which is mentioned in the report? Although international law and diplomatic practice acknowledge the right of governments to get outside help if they need it to survive, the Kissinger commission's recommendations present progressive Third World governments with a cruel dilemma: go it alone and be pushed over like a feather by

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C.I.A.-directed covert operations, or seek help in Moscow and be treated like an illegitimate Soviet outpost in our hemisphere which can be attacked at will. That seems to be what is meant by accepting indigenous processes of reform and revolution!

Or consider this remark from the report about the situation in El Salvador: "If the shaky center collapses and the country eventually is dominated by undemocratic extremes, this will lead to increased pressures on El Salvador's neighbors." What shaky center? Centrists in the country have long since joined the guerrillas, been killed or frightened into submission, fled abroad or embraced the rightist regime. It is a delusion or worse to suggest that a middle-class, moderate alternative exists at this stage. The pretense of preserving a democratic center (on which President Kennedy's Alliance for Progress also rested) justifies investing billions of dollars so as to avoid the triumph of extremes in a country in which only the extremes are in contention. To send large-scale economic aid or supply military equipment under such circumstances is to join the struggle on the right-wing side.

The commission argues that the Soviets "would welcome discussion about superpower spheres of influence, which would prompt Soviet assertions of primacy and the need for U.S. abstention on the Soviet periphery, in such places as Eastern Europe and Afghanistan. For the United States, however, such a concept of spheres of influence is unacceptable." Yet the report loudly proclaims an American sphere of influence in Central America and warns Moscow to respect it. In truth, considering the threat mounted against its friends in the region, the Soviet Union has been rather timid. Despite protestations to the contrary, the United States has unabashedly exercised all the prerogatives that go with having a sphere of influence, including the right to use force Grenada-style to uphold its interests. To reserve for ourselves what we deny the Russians would be to restructure the rules of the geopolitical game in a manner Moscow is sure to resist, as we would resist similar efforts on their part. Such a double standard invites misunderstandings, provocations, even confrontations. Out of such confusion, the risks of World War III mount.

As William LeoGrande notes in the Winter 1984 issue of *World Policy Journal*, "The real issue in Central America [is] whether the United States is prepared to live with revolutions on its periphery, or whether it will continue to insist, as it has in the past, that Washington holds veto power over the right of Central Americans to govern themselves as they see fit." The Kissinger commission report does its best to obscure that question because in order to create a bipartisan consensus everyone must act as if outsiders could build a moderate future for those countries by providing dollars and guns. The good political news, of course, is that the American public is not swallowing that claptrap, though Congress, lamentably, has largely gone along. Despite Reagan's surge in popularity after the invasion of Grenada, public opinion polls since then have consistently shown high levels of opposition to any U.S. military intervention (covert or overt, including maneuvers) in Central America.

There are several explanations for that opposition. To begin with, the stigma from the Vietnam experience remains. Also, the struggles in Central America are complicated. Right-wing attacks on religious leaders, priests and nuns, as well as church participation in and support for the popular movements, including that of the Sandinistas, have confused Americans. The Catholic Church in the United States opposes intervention in the 1980s as strongly as it supported it during the Vietnam War years. An even more hopeful sign is that the general public and some experts are beginning to realize that intervention doesn't work—except possibly in tiny states.

Whether we consider El Salvador or Lebanon or Afghanistan, the outcome after years of bloodshed and devastation is likely to be quite the opposite of what the imperialist state intends. (The only exceptions occur when the intervention happens to coincide with the historical tendency toward national self-assertion.) In an essay recently published in *Central America: Anatomy of Conflict*, Walter LaFeber asserts, "Each time the United States has attempted to intervene militarily in Central America after 1920 it has, in the long run, worsened the situation it meant to correct." One possible explanation for such self-defeating behavior is that interveners are obsessed with the short run: to them, nothing is worse than appearing to lose, or better than appearing to win. Thus, interveners might extract a twisted lesson from a comparison between Carter's downfall during the hostage crisis in Iran and Reagan's ascent after Grenada.

American interventionism swings with the public mood and with capitalism's perceived requirements for trade, investment and resources. Throughout its history the United States has generally been expansionist, but it has periodically relinquished imperialist claims in a reaction to the excessive costs of a prior intervention. Before the end of the decade, the pendulum could swing further in the direction of showing "resolve" (Reagan re-elected) or back toward accommodation (Reagan rebuffed). International developments, especially Soviet behavior in the Third World and perceived threats to the West from successful revolutionary movements, will also play a part in shaping national policy.

At stake, ultimately, is whether we will allow the peoples of the Third World to have the political futures of *their* choice—revolutionary or not, Marxist-Leninist or not—without forcing them to go through hell to get there. History is on the side of nationalism; imperial resistance, whether from the East or West, slows the process and increases the level of pain but does not reverse that fundamental tendency of our epoch.

The wider security concerns invoked to enlist public support for intervention are farfetched. We risk nuclear war in Europe by preparing to meet a Soviet challenge that is not in the making. Similarly, to suppose that Cuba or Nicaragua would dare interdict U.S. shipping or challenge U.S. power directly during an international crisis makes paranoia into foreign policy. To assume such Soviet adventurism is to imagine a recklessness in the Kremlin that has never been evi-

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dent. There are no good excuses for U.S. or Soviet intervention in the Third World. Not every instance is free of moral ambiguity, but a general policy of nonintervention would reduce levels of warfare and militarism in the Third World, as well as improve overall prospects for peace and justice. □

CONSTITUTIONAL CONUNDRUMS

Round Two for Judge Bork

JAMIE KALVEN

Last fall in these pages I examined the constitutional philosophy of Robert H. Bork, a judge on the U.S. Court of Appeals for the District of Columbia who is widely thought to be destined for the Supreme Court should President Reagan be re-elected [see "Robert Bork and the Constitution," October 1, 1983]. I took as my text a 1971 law review article in which Judge Bork—at the time a professor at Yale Law School—set forth his general approach to constitutional interpretation and then applied it to the First Amendment. He did not respond directly, but when an item about my article appeared in the December issue of the *American Bar Association Journal*, his response was swift and sharp. Apparently he was prepared to leave the readers of *The Nation* in a fog of uncorrected error about his views, but not the 340,000 lawyers who receive the *A.B.A. Journal.*

The offending item, titled "Here Comes Attila the Hun of the Constitution," appeared in a column called "Browser," which presents short, chatty summaries of recent articles thought to be of interest to the bar. Judge Bork's reply, in the February issue [reprinted here with the *A.B.A. Journal*'s permission], began:

> It is unfortunate that the Browser department . . . should choose to summarize my constitutional philosophy as presented in the *Nation* (not the *New Republic* as you suppose.* There is a difference.). The *Nation* piece, by Jamie Kalven, in turn purports to state my views entirely on the basis of a 13-year-old article. It is one thing for a column to digest articles from other publications in which a writer states his views. It is quite another to repeat, without checking, what another writer reports to be the views of a third person. The Browser piece commits that journalistic sin and then compounds it by adding its own Attila-the-Hun characterization to what Mr. Kalven actually wrote. Perhaps your writer thinks the matter humorous, but a number of readers are likely to suppose that reporting contained in the official publication of the American Bar Association would be accurate.

I sympathize. The column collapses a long, complex argument into a few paragraphs. It imparts to that argument a somewhat ad hominem flavor. And the title is deplorable: it is not only insulting to Judge Bork; it misses the point of my article. Bork is dangerous not because he is some sort of wild man. He is dangerous because he is a persuasive champion of an approach to constitutional adjudication that is powerfully coherent, appeals to common sense and would, in practice, largely empty various central constitutional values of judicially enforceable meaning.

To see clearly the perverse dynamic that underlies the surface plausibility of Bork's theory, it is necessary to engage his ideas at the level of application. That is why Bork's "Neutral Principles and Some First Amendment Problems," in the Fall 1971 *Indiana Law Journal*, is of such interest. This "13-year-old article" remains his central statement on constitutional law. Often cited by his admirers, it is part of the canon of right-wing constitutional scholarship. Most important, it offers his account of what the approach would mean in practice for one highly valued constitutional tradition.

The article's thesis is that the proper role of judges is to decide cases in light of "neutral principles" that reflect the intentions of the framers of the Constitution insofar as those intentions can be inferred from the text, the history of its adoption and "their fair implications." When judges go beyond those sources in interpreting a constitutional provision, argues Bork, they have only their personal preferences to guide them. And in a democracy, it is intolerable that the preferences of judges should exercise a veto over the preferences of the majority.

Applied to the First Amendment, Bork's mode of interpretation yields the principle that the amendment's sole function is to protect speech that contributes to democracy. He proceeds from that premise to a set of startlingly narrow conclusions: First Amendment protection should be limited to "explicitly political" speech; there is no constitutional basis for protecting any other form of expression; and within the category of political speech there should be no constitutional bar to the suppression of "any speech that advocates forcible overthrow of the government or the violation of any law."

In his *A.B.A. Journal* reply, Judge Bork, having dealt with the "Browser," turns to my analysis of his First Amendment theory:

> As it happens, Jamie Kalven's summary of my views is both out of date and seriously mistaken. I do not think, for example, that First Amendment protection should apply only to speech that is explicitly political. Even in 1971, I stated that my views were tentative and based on an attempt to apply Prof. Herbert Wechsler's concept of neutral principles. As the result of the responses of scholars to my article, I have long since concluded that many other forms of discourse, such as moral and scientific debate, are central to democratic government and deserve protection. I have repeatedly stated this position in my classes. I continue to think that obscenity and pornography do not fit this rationale for protection.

It is good news indeed that Judge Bork has in some respects broadened his view of the scope of the First Amendment. But how was one outside the halls of Yale Law Schoc

* The *A.B.A. Journal* had cited *The New Republic* rather than *The Nation.*

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to know? Surely it is beyond the pale of civilized discourse to answer one's critics by implying that they cut class!

The fact is that the 1971 article remains the central statement of his First Amendment views. So far as I have been able to determine, he has published nothing prior to his *A.B.A. Journal* reply that in any way disavows or revises it. Moreover, in the course of my research last year, I informed Judge Bork, via one of his law clerks, that I was working on an article on the First Amendment theory he advanced in 1971, and requested copies of two more recent statements by him which had not yet been published: a lecture on the First Amendment delivered in 1979 at the University of Michigan Law School, and an essay that was to appear in a forthcoming book on the role of the judiciary in America. His clerk wrote back, explaining why I could not see either piece and adding: "On behalf of Judge Bork, I am sorry that we could not assist you more in your First Amendment study. I hope that the pieces Judge Bork has already published on the subject will suffice for your work." But his published work on the First Amendment *is* the 1971 article; there is virtually nothing else. Thus, notified that a study of his First Amendment views was in the works, Judge Bork, in effect, referred me to the article he now characterizes as "out of date." Under the circumstances, I find it hard to accept his implication that it was somehow underhanded of me to take seriously what he wrote in 1971.

There is perhaps a lesson here about the risk one runs in a society committed to uninhibited, robust and wide-open debate when one does not publicly respond to criticism of ideas one has urged on one's fellow citizens. In any case, had Judge Bork at any time over the last thirteen years publicly acknowledged that he had been moved by "the responses of scholars" to revise his First Amendment theory, I certainly would not have misreported his current views on the constitutional status of nonpolitical forms of speech, such as moral and scientific debate.

In the interest of avoiding any further misunderstandings and embarrassments, I would like to ask Judge Bork which portions of the First Amendment theory he advanced in 1971 he still stands by. Are we to understand that he continues to subscribe to that which he does not explicitly disavow in his *A.B.A. Journal* reply? Specifically, is artistic expression—literature, art, film, etc.—embraced within the "many other forms of discourse, such as moral and scientific debate," that he now believes the First Amendment ought to protect? Or does he perhaps find it necessary to exclude all artistic expression from protection in order to get at "obscenity and pornography"?

And what are his current views on speech that advocates forcible overthrow of the government or violation of the law? In 1971 he argued that all such advocacy, no matter how general or remote from criminal action, could constitutionally be suppressed. To my mind, this is the most dangerous part of his theory, and a substantial part of my article was devoted to refuting it. Yet his *A.B.A. Journal* reply fails to mention the point. How are we to interpret that silence?

The closing, and most heated, passage in Judge Bork's reply is addressed to my use of the term "moral skepticism" to characterize the premise underlying his approach to constitutional adjudication:

> More serious, however, is the wholly fallacious statement [by Mr. Kalven] that my view of neutral principles in constitutional adjudication is "animated by moral skepticism." Here, the *Journal* is betrayed by Mr. Kalven's unaccountable inability to understand what he reads. I believe in moral values and moral choice, and I, in common with the vast majority of men and women, live my life that way. It is absurd that an irresponsible allegation should require me to state that. My article argues that a judge has no means of demonstrating that his moral views about forms of human gratification are superior to the views of others. For that reason, a judge has no warrant, where the Constitution is silent, to force *his* morality upon a legislature that has made a different moral assessment. To suggest, on the basis of that argument, that I reject the "possibility of moral knowledge" is nonsense, and vicious nonsense at that.
>
> Your writer obviously did not take the necessary 30 minutes to look at my article or the necessary five minutes to call me. He should have. It is no light matter to make public assertions about another person's moral views. It is astounding that the *Journal*, of all publications, should display such a light-hearted disregard for truth and reputation.

Judge Bork has defended himself against an allegation I never made. He appears to have been moved to do so by a misunderstanding of the term "moral skepticism." The term as I used it referred not to his character but to his philosophical assumptions. I did not mean to imply that he is amoral or unprincipled or without personal scruples. Moral skepticism is not skepticism about morality. It refers, rather, to the philosophical position that there is no way to demonstrate the correctness—or, for that matter, the wrongness—of particular moral judgments. That is what I understand Judge Bork to be saying, albeit in a rather opaque way, when he writes, "A judge has no means of demonstrating that his moral views about forms of human gratification are superior to the views of others."

It follows, he argues, that "a judge has no warrant, where the Constitution is silent, to force *his* morality upon a legislature that had made a different moral assessment." But the issue is not what to do when the Constitution is *silent*. It is what to do when the Constitution speaks loudly and distinctly but in broad generalities: equal protection, due process, cruel and unusual punishment, freedom of speech and so on.

In the name of fidelity to the Constitution, Judge Bork would, in effect, bar judges from undertaking the interpretive effort that such broad provisions, by their nature, demand. Constitutional values, he insists, are enforceable by the courts only to the extent that the text and legislative history yield clear and specific guidance as to their meaning. Beyond that they are matters of preference, of taste, and as such should be left to the political process. Because the more open-ended the provisions, the less specific and unambiguous is the guidance afforded by the text and history, the effect of Bork's approach would be largely to surrender various central constitutional values to the will of the majority.

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Argument at this level of generality takes one only so far. My point is that the clarity of Bork's vision is less the product of what he sees than of what he does not see. Something essential is missing. I have called that absence "moral skepticism"; perhaps another name would be more apt. In any case, it is at the level of particulars that the absence becomes palpable—nowhere more so than in his treatment, in the 1971 article, of the issue posed by advocacy of forcible overthrow of the government or violation of the law.

Central to First Amendment doctrine is the principle that seditious libel, the criticism of government, cannot be made a crime. Given this premise, which Bork says he accepts, government efforts to suppress advocacy of force and of law violation pose an issue that goes to the heart of the First Amendment. For the call to criminal action does not stand alone; it is typically part of a larger political critique. Hence, to set the boundaries of permissible advocacy is to delineate the point beyond which advocacy may be constitutionally suppressed.

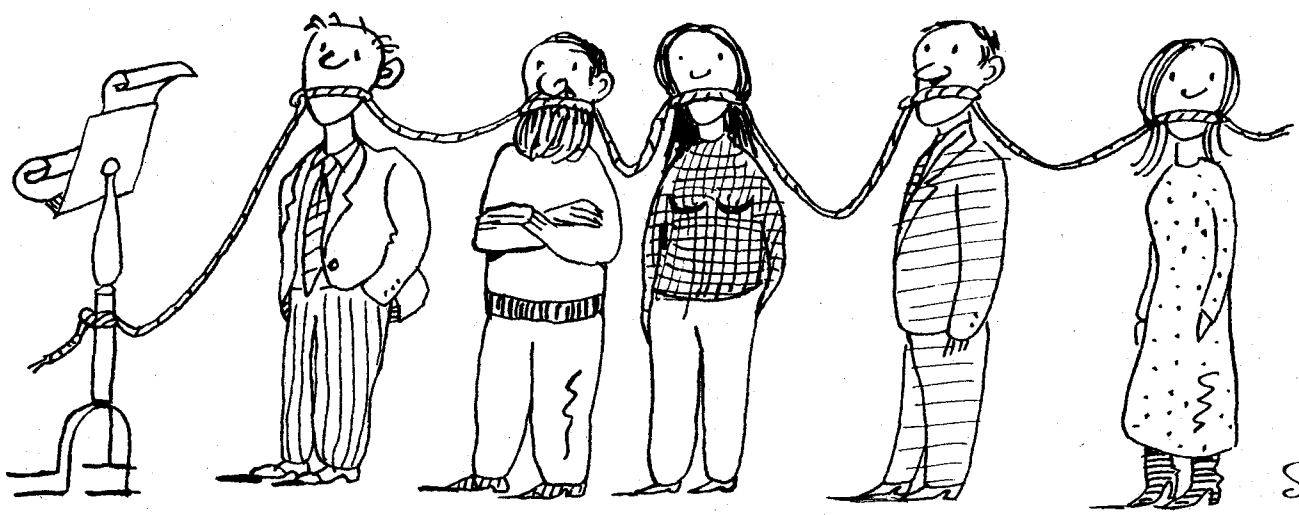
It has fallen to the judiciary, as the institutional guardian of First Amendment freedoms, to decide when the government may legally suppress advocacy. The best known device for this purpose has been the "clear and present danger" test; and the current standard, articulated in *Brandenburg v. Ohio* in 1969, is "incitement to imminent lawless action." Whatever the precise phrasing of the legal formula, a consensus has emerged in American law about the underlying principle: our constitutional commitment to vigorous and unrestrained debate of public issues demands the maximum protection for subversive advocacy consistent with public order.

This is not a theoretical matter. It is an insight born of experience. We can fix with some precision the cost in political freedom and the constriction of public debate that result when courts cede to government the power to suppress all such advocacy. We know that in times of stress the government tends to construe dissent as subversion and to punish seditious libel under the name of illegal advocacy. That is the lesson bequeathed by the series of decisions handed down during and immediately after World War I, in which the Supreme Court held that advocacy of force and lawbreaking could be suppressed without regard to its proximity to criminal action. And it is a lesson that was renewed and enlarged by the decisions of the 1950s—decisions like *Dennis v. United States* (1951) which affirmed the convictions under the Smith Act of Communist Party leaders for, in effect, conspiring to organize a political party for the purpose of advocating revolution at some future time.

The tradition of freedom of political speech we enjoy today issues from a repudiation of those decisions—from a deep, widely shared sense that they were fundamentally at odds with the First Amendment, that they were *wrong*. Judge Bork, writing in 1971, does not share this view. The advocacy of force and of law violation, he writes, "has no political value within a republican system of government." He expresses agreement with the majority opinion in *Gitlow v. New York* (1925), the culminating decision in the World War I era series of cases. And his only complaint about *Dennis* appears to be that in justifying its decision, the Court felt compelled to restate the clear-and-present-danger test in such a way as to eliminate its stringency, thereby bringing the teaching of Marxist doctrine within its terms. In his view, the proper course would have been to dispense with the test altogether, since any such standard "erects a barrier to legislative rule where none should exist."

Thus a theory that starts from the premise that the First Amendment's purpose is to protect the essential democratic freedom to criticize government ends by leaving the task of defining the limits of permissible criticism to the government officials criticized. This is an absurd outcome—a telling illustration of the general tendency of Bork's approach, in defiance of both logic and experience, to subordinate essential constitutional values to the preferences of the majority.

But, then, perhaps the passage of time and "the responses of scholars" have moved him to change his mind. What, I wonder, has Professor Bork been telling his students in recent years about the issue posed by the advocacy of force and of law violation? And what, given the opportunity, will



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Judge—perhaps Justice—Bork tell us all about the extent of our freedom to criticize our government and to dissent from its policies? □

COLOMBIA'S DRUG WAR

The Minister Who Had To Die

PENNY LERNOUX

Bogotá, Colombia

Like the man who must die in Gabriel García Márquez's *Chronicle of a Death Foretold*, Colombian Minister of Justice Rodrigo Lara Bonilla had known for months that his life was in peril. "The drug traffickers want to kill me," he had repeatedly told friends, relatives and colleagues. Thus, when the 38-year-old Minister was shot to death by paid assassins on the evening of April 30, those familiar with his doubts and fears were not surprised.

A leading member of the most progressive faction of the Liberal Party, Lara Bonilla was President Belisario Betancur's only adviser with the temerity to state publicly what all knew privately: that eight drug families, controlling a billion-dollar cocaine trade to the United States, have penetrated every sector of Colombian society, from the military and the banks to soccer teams and the Catholic Church. Lara Bonilla had stalked several of the most prominent drug capos, grounded 300 planes that flew drugs to the United States and proposed a regional pact to halt drug trafficking. As a result of those actions, the Justice Minister had received frequent telephone death threats, his home and office phones had been tapped by the drug dealers and he had been the target of two previous murder plots. One was discovered by U.S. and Colombian officials last September, and the paid assassin—an escaped U.S. convict—was immediately deported. Another was discovered in February. Fearful for his life and that of his wife and three sons, Lara Bonilla had asked to be reassigned as Colombia's Ambassador to Czechoslovakia, where he would be far from the reach of the vengeful drug families. "I can't remain in the country," he told the Bogotá daily *El Tiempo* the day before he was killed.

Although Lara Bonilla knew he was a marked man, most of his colleagues in government seemed stunned by his death. For two years President Betancur's administration has effectively ignored the threat posed by the drug mafia, which has become part of the country's economic and political mainstream. On the day the Minister was murdered, the President had lunch with Senator Alberto Santofimio, chief political ally of Congressman Pablo Escobar Gavíria, who is being sought by Colombian authorities in connection with murder and drug-trafficking cases. And it was Betancur who, over Lara Bonilla's protests, refused to honor a 1979 treaty with Washington for the extradition of Colombian traffickers wanted for crimes in the United States.

Why Betancur reneged is uncertain. A popular leader who is trying to forge a truce with the country's guerrilla forces, the good-humored President has brought refreshing changes to Colombian politics, which had been marked by cynicism and blatant corruption during the administration of his predecessor, Julio César Turbay Ayala. But because there was no political lobby for a crackdown against the drug racketeers, Betancur "tolerated organized crime as an inevitable evil," observed the Bogotá newsweekly *Semana*.

Nor was his government the first to do so. Since the drug boom began in the mid-1970s, the families that dominate the traffic have waxed rich and powerful. According to the Colombian Justice Ministry and local police, they have helped elect congressmen; bought judges, military and police officials; founded a political organization, the National Latin Movement; and launched a newspaper, *Quindio Libre*. Even the country's conservative Catholic Church has been drawn into their web. Cardinal Alfonso López Trujillo—Archbishop of Medellín and intimate of Pope John Paul II—and two priests in his archdiocese were associated with cocaine kingpin Escobar in a civic movement that was actually a smokescreen for Escobar's illicit activities. According to the Bogotá daily *El Espectador*, the Cardinal, who keeps homes in Medellín, Bogotá and Rome, distanced himself from Escobar only after Colombia's Congress initiated an investigation of the alleged coke capo.

Colombia's principal political parties, Betancur's Conservatives and the rival Liberals, frequently accept contributions from drug traffickers—as much as $1 million for the 1982 presidential and congressional elections, according to informed diplomatic sources. Lara Bonilla often complained privately that his battle against the mafia was a "lonely struggle" without the support of the two parties, which he said were "too tolerant" of the drug industry. The day after the murder Betancur himself admitted that Colombian society had become so accustomed to drug corruption that one of the most popular subjects at social gatherings was "who had gotten rich on the traffic."

But even in Latin America's narcotics emporium, tolerance has a limit, and the shooting of Lara Bonilla by two thugs on motorcycles, one of whom was killed and the other arrested, proved too much. Although drug-related murders of judges and government officials have become a common occurrence, the killing of a Cabinet Minister represents a frontal attack on the country's political institutions. "This is war," declared an angry Betancur.

Within hours of Lara Bonilla's murder, Betancur announced a nationwide state of siege to stamp out the drug traffic. The police and military burst into dozens of houses, apartments and ranches belonging to known capos, and more than a hundred people were arrested. The President also announced he would honor the extradition treaty with the United States, starting with big fish Carlos Lehder

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Rivas, a former partner of fugitive financier Robert Vesco in a Bahamas coke-smuggling operation and, by the estimate of the U.S. Drug Enforcement Administration, the source of 10 percent of all cocaine entering the United States.

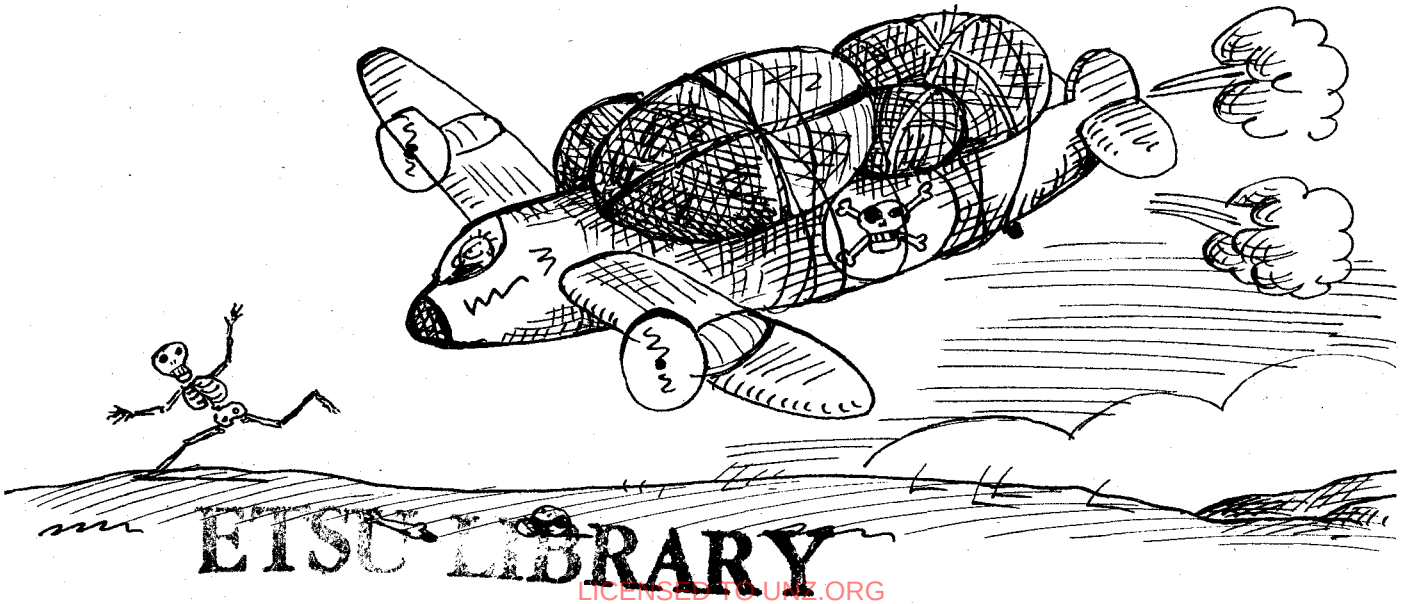
But while the press and politicians greeted such measures with enthusiasm, a number of variables may affect the final results. The first is whether the government has the ability to stamp out an industry with enough economic clout to challenge the political will of an affronted President. Drugs are Colombia's second-largest export, after coffee, and the traffic fuels important sectors of the economy. Thus, the narcotics crackdown wrought havoc on the peso: in the past few weeks Colombia's currency has lost 30 percent of its value. In a nation where two-thirds of the population earns $100 or less per month, the prospect of easy riches will lure Colombians so long as there is a booming market for the product in wealthy consumer nations, particularly the United States.

Drug money also buys power and immunity. Despite the scale of Betancur's antinarcotics operation, a number of well-known drug families and their client congressmen are untouched. Protected by their connections with local police and military officials, they continue business as usual. Nor did the initial dragnet turn up any trafficker of importance; most of those arrested were low-level employees—maids and chauffeurs—and only two second-line dealers were imprisoned. To catch the bosses and destroy their organizations will take months of effort, and determination may wane as the story moves to the newspapers' back pages.

While Lara Bonilla's death shocked the nation, the hypocrisy that has enabled the ruling class to adopt a laissez-faire attitude toward drug trafficking remains deeply embedded in the political culture. Moreover, elements in the military and police, who have final responsibility for the drug war, remain sympathetic to the right-wing politics of the drug traffickers. Escobar and Lehder, for example, have provided financial support to a right-wing death squad named MAS (Muerte a Secuestradores, or "Death to Kidnappers"), which includes former members of the police and military, according to Colombian Attorney General Carlos Jimenez Gómez. MAS has been responsible for a string of murders since its founding in late 1981; most of its victims have been left-wing activists or union leaders.

Until Lara Bonilla's assassination, President Betancur stubbornly held to his election promise of 1982 that he would not impose a state of siege. In reversing that policy Betancur was careful to emphasize that, unlike previous regimes, he did not intend to use decree powers for a witch hunt against the left, which would endanger ongoing negotiations with the guerrillas. But the President has little control over events in remote rural areas, particularly Caquetá in southern Colombia and the Magdalena Medio region in the central part of the country, where the guerrillas and the army are engaged in a small-scale version of the war in El Salvador. Whether either side will accept the distinctions made by Betancur is an open question. State-of-siege powers conferred on the military in the past have often led to human rights abuses, and for the more intransigent forces among the guerrillas, the action proves Betancur cannot be trusted to keep his word. Thus the state of siege is another obstacle in the mine field leading to a political accord with the left, one of Betancur's goals that has never had the support of either the military or the political establishment.

Another unknown in the drug war is who plotted and paid for Lara Bonilla's death. According to police the assassins were hired from the lower echelons of the underworld in Medellín, the cocaine capital of Latin America, but apparently never knew the identity of the persons at the top of the chain of command. The two previous attempts on the Justice Minister's life, his public feud with the capos and his support for the extradition treaty with the United States all point to the drug traffickers. On the other hand, they had to be extremely stupid, in the words of a local newspaper, to believe they could get away with such a crude assault on institutional authority, and the capos have never been stupid. Still, even the most intelligent crooks can be beguiled by



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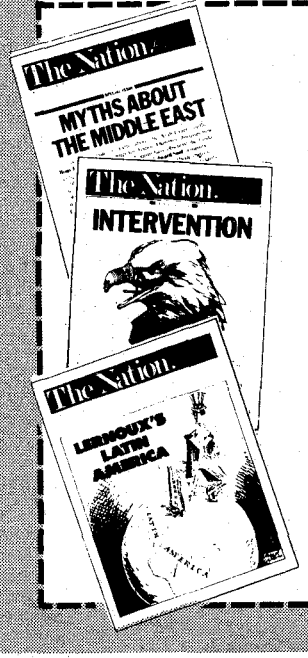

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power, and the government's tacit acceptance of the drug trade may have been interpreted as a sign of weakness. In any event, informed sources report that the capos knew of Lara Bonilla's impending murder and took measures to insure they would not be found when the police came knocking. If and when the heat lets up, they may reappear. The organizational structures remain intact despite the crackdown.

Another theory—advanced by such respectable publications as *Semana*—is that the Drug Enforcement Administration and/or the Central Intelligence Agency were behind Lara Bonilla's death, since they have the most to gain from the narcotics manhunt. The argument has a certain logic, particularly since the D.E.A.'s predecessor did form a death squad to eliminate foreign traffickers during Richard Nixon's Administration (because of Watergate it was disbanded before any assassinations could be carried out). The C.I.A.'s war on Nicaragua and many of its other secret operations prove the agency is capable of such an atrocity. But the risks of discovery—and the C.I.A. has never proved very good at keeping secrets—boggle the imagination.

Whatever the long-term effects of Lara Bonilla's death, for the first time Colombia's press and its politicians have dared to speak openly against those who run the drug traffic. In a country where the average citizen is conditioned not to protest, for fear of reprisal, public recognition of the drug challenge is itself an advance—not so much as an inroad against corruption, which Colombians have always taken for granted, but as a warning to the crooks that there is a limit to society's tolerance of crime. Unlike the American mafia, which has wisely measured such limits, Colombia's capos misjudged their country by flaunting power. Although that power may eventually be reasserted, it is unlikely to assume the same boldness, thanks to the sacrifice of a lonely crusader. □

CRONY DIPLOMACY

Right Turn in the Foreign Service

KAI BIRD

The Heritage Foundation, a conservative think tank which drew up many of Ronald Reagan's position papers during the 1980 campaign, recently issued a report titled "How the White House Can Regain Control of Foreign Policy." Written by James T. Hackett, a former Foreign Service officer who worked for Henry Kissinger at the National Security Council from 1971 to 1973 and was part of Reagan's transition team in late 1980, the report reflects the conservative community's conviction that "a pervasive old boy network of senior Foreign Service officers . . . seems determined both to run its own affairs and to instruct the administration in office on the formulation of foreign policy. . . . It's time to stop treating the Foreign Service as a government within a government." The report suggests that the President place his own political appointees in the State Department's top Foreign Service posts—director general and inspector general—which have been reserved by tradition or law for career officers. It also calls on the White House to appoint "a reasonable number of well-qualified, non-career candidates, who support the policies and philosophy of the President, to managerial and policy-making positions in the Department."

If Ronald Reagan has not anticipated all of the Heritage Foundation recommendations, since January 1981 he has nevertheless transformed the Foreign Service, once an insular and sacrosanct bureaucracy, into one of the most highly politicized agencies in the Federal government.

The President, of course, has always had the right to appoint nonprofessionals as ambassadors. Dennis Hays, head of the American Foreign Service Association, points out that the Foreign Service is the only arm of the Federal government still subject to the practices of the nineteenth-century Jacksonian spoils system. But Reagan has taken those practices to an unprecedented extreme. In the postwar period, about 30 percent of the ambassadors sent abroad under each Administration have been political appointees. Under Reagan, that figure has jumped to more than 40 percent. Inside the State Department, where past Presidents have appointed outsiders to four or five of the fourteen assistant secretary slots, Reagan has appointed ten. And Reagan's political appointees have taken places deep in the ranks of the State Department that are normally reserved for career officers: deputy assistant secretaries, special assistants, office directors and even one consul general.

The appointments are not mere campaign payoffs to cronies. Those chosen share Ronald Reagan's world view. What makes them so important—beyond their number—is the fact that they and the President they serve are determined to leave their ideological stamp on the Foreign Service.

The President's campaign to politicize the Foreign Service has enraged many career diplomats. They have fought back, creating a rift in the State Department which may help explain why the Administration has suffered so many foreign policy disasters: the failed embargo on the Siberian gas pipeline, the collapse of arms negotiations with the Russians, the fiasco in Lebanon and so on. Neither camp is satisfied with what has become a stalemate. The career officers who manage foreign policy on a day-to-day basis are a sullen, resentful lot, while the political appointees and the men around the President distrust the professionals more than ever.

When Reagan took office he began imposing his people on the State Department with a vengeance. Every Administration brings with it a list of political appointees, but Reagan came bearing a list of dozens of Foreign Service officers he had targeted for removal because they were too

Kai Bird is a 1984 Alicia Patterson Fellow. This article is adapted from a longer report prepared for the Alicia Patterson Foundation.

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"liberal" to carry out his policies. Many of those on the "hit list," which was published in *Human Events* (said to be Reagan's favorite magazine) and in Richard Viguerie's *Conservative Digest*, have been purged from the department altogether or relegated to inconsequential jobs.

The Central America bureau was hit hardest. Carter's Assistant Secretary for Inter-American Affairs, career officer William Bowdler, was told by Reagan's transition team to clean out his desk by Inauguration Day. "It was made clear to him," says David Newsom, a retired Under Secretary for Political Affairs, "that there was no place for him in any slot because of his service to the previous Administration." Bowdler had implemented Carter's Nicaragua policy of easing out Anastasio Somoza while trying to keep the National Guard intact. James Cheek, who served as Carter's Deputy Assistant Secretary for Inter-American Affairs, was also canned. John Blacken, director of the Office for Central American Affairs, was ousted and sent to the Dominican Republic as a Deputy Chief of Mission.

"They removed all the key policy people in the region," says Herman Cohen, Deputy Assistant Secretary for Personnel and former Ambassador to Senegal. "It was assumed that those men couldn't carry out new policies. In fact, policy really didn't change under Reagan. It was, after all, Carter who made the decision in 1980 to supply arms to El Salvador and to the Sandinistas' opponents."

According to Cohen and other diplomats, Ambassador Robert White's cables from El Salvador during the last six months of 1980 contained the same policy recommendations that Reagan's appointees are sending from that country today. White, who is now a vociferous critic of Reagan's Central America policy, dismisses such easy symmetry, saying that all along he emphasized that the Salvadoran military was "not the solution but the problem." Nevertheless, he admits that even if "the threat of the insurgency was not a military threat," the United States could not pursue a human rights policy in El Salvador without providing some support to the country's military establishment. "Otherwise," says White, "you would lose all your influence over those people." With a different emphasis, that is the Reagan Administration's publicly stated policy.

Thus the argument that Bowdler and other officers were removed for policy reasons does not hold up. "They were thrown out merely because they were symbols of the previous Administration," says Cohen.

Bowdler doesn't talk about his ouster. "I have put that chapter of my life behind me," he says. But he does have an opinion on how Reagan's policies in Central America developed: "This Administration is filled with ideologues, but once in office, they found out that events would dictate their policy. They came in with this heavy emphasis on military means to the exclusion of political overtures. For a solid year they pursued the military line. And during that time, the far left in El Salvador gained ground. They missed an opportunity, right after the January 1981 guerrilla offensive failed, to exert pressure for a negotiated settlement. They could have exerted a lot of pressure on the opposition through the Europeans and the Mexicans. Now the far left is much stronger, and it will be very difficult to work something out."

The people Reagan chose to direct his policies in Latin America were political appointees, career diplomats with no background in Latin affairs or Foreign Service officers who had disagreed with the Carter Administration's policies. Frank Ortiz, a conservative officer ostracized during the Carter years, had his career resuscitated with an appointment as Ambassador to Peru. Thomas Enders, who, as Deputy Chief of Mission in Phnom Penh, selected targets during the secret bombing campaign in Cambodia, had been Carter's Ambassador to Canada; Reagan brought him to Washington and promoted him to Assistant Secretary for Inter-American Affairs. (Ironically, Enders was later fired for being too "liberal" in considering the possibility of a negotiated settlement in El Salvador.) Frederic Chapin, who had been expelled by the Marxist military regime in Ethiopia when he was Ambassador there, was made Ambassador to Guatemala because the Reagan crowd perceived him as a hard-liner. A Latin specialist, John Bushnell, worked hard on Capitol Hill to push Reagan's Caribbean Basin Initiative, but Reagan's advisers never lost their suspicion that he had loyalty to Carter Administration policies. Due for an ambassadorship, Bushnell "walked the halls" without a job for months before he finally accepted a post as Deputy Chief of Mission in Argentina.

The ideological purge was not confined to Central America. Lannon Walker, a Deputy Assistant Secretary closely associated with Carter's policies in Southern Africa, was made to walk the halls because Senator Jesse Helms held him responsible for the collapse of the Muzorewa regime in Zimbabwe. Carter's Ambassador to South Africa, William Edmondson, stayed on under Reagan for six months. But the Administration so distrusted him that when national security adviser William Clark visited Pretoria, Edmondson, thought to be a critic of Reagan's so-called constructive engagement policy, was cut out of meetings with South African officials. Today, Edmondson serves as a Deputy Inspector General of the Foreign Service. The Inspector General's office is one of those places where the Foreign Service takes care of its own, often providing jobs for blackballed officers.

Politicizing the Foreign Service results in distorted reporting and a withholding of bad news that hurt the President's ability to carry out policies. But shouldn't the President be able to appoint men and women committed to his ideological viewpoint?

Foreign Service officers ritualistically explain that they are professionals, capable of taking any orders from any President. And most insist that they object to some of Reagan's appointees not because they come from outside but because they are incompetent. The officers note that about 42 percent of John Kennedy's ambassadors were political appointees, but they included people of clear intellectual stature like John Kenneth Galbraith, and most had some experience in foreign affairs. The best of Ronald Reagan's appointees do not meet such standards.

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"We are just going to have to recognize that politics in this business is here to stay," says one career officer. "We have to resign ourselves to working under the car salesman from San Diego." Indeed. The salesman referred to is Robert Dean Nesen, an old friend of Reagan's and currently Ambassador to Australia. A confidential State Department assessment of Nesen, prepared for his confirmation hearings and obtained under the Freedom of Information Act, reads:

> Nesen, 63, of Thousand Oaks, California, is currently chairman, R.D. Nesen Oldsmobile-Cadillac, Inc. . . . His entire background has been in the automobile and aviation business. . . . His reputation for honesty and as a superb salesman should be useful in his personal dealings with the senior members of the Australian government. Nesen is the prototype of the non-professional envoy.

If you ask regular officers to list incompetent political appointees, they all mention the same names: movie actor John Gavin in Mexico, investment banker Evan Galbraith in France, Chicago insurance executive Paul Robinson in Canada, uranium mining engineer William Casey in Niger, big-game hunter Theodore Maino in Botswana, and Reagan's former personal secretary Helene von Damm in Austria.

This spring Reagan announced the selection of Thomas Anderson Jr., 38, as Ambassador to Barbados. Anderson was an assistant to the House minority whip, Trent Lott, for a decade, but his chief asset seemed to be his wife's position as associate director for the White House's Office of Cabinet Affairs. And the Ambassador to Hungary, Nicholas Salgo, got his job partly because as owner of the Watergate apartment complex, he is landlord to not a few of the rich and powerful in Washington.

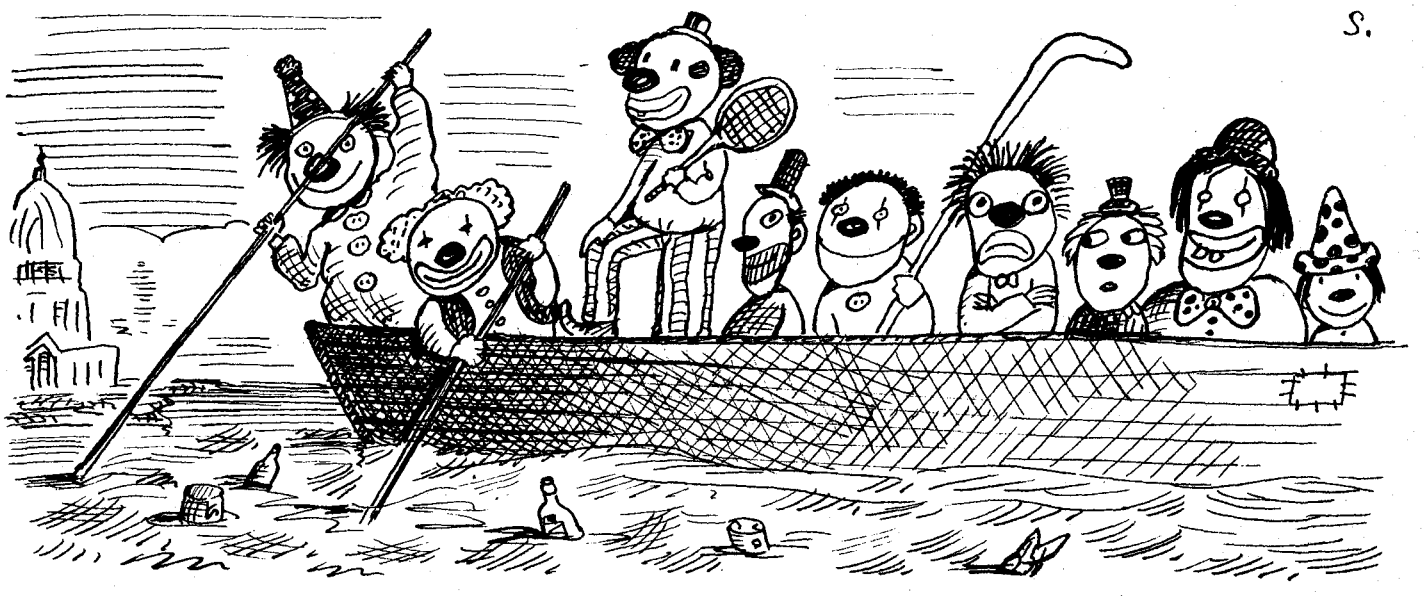
Many of those appointees are what Herman Cohen calls "wild-eyed ideologues." David Funderburk, the Ambassador to Rumania, is another case in point. The State Department's confidential assessment of Funderburk, prepared for his confirmation hearings, tried to reassure the senators: "He has not been identified strongly by the public as an anti-communist. The Rumanians see him as fair and impartial." The editor of the *Journal of American Romanian Christian Literary Studies*, Funderburk has, in fact, openly antagonized the Rumanians with his stereotyped blend of anticommunism and strident Christianity.

None of the foregoing compares with what has been done with policy slots inside the State Department. Traditionally, most assistant secretaries have been drawn from the ranks of the Foreign Service. Today, of five regional bureaus, where policy is actually formulated and implemented, only one, the Bureau of Near Eastern and South Asian Affairs, is led by a career officer. And it has been cut out of the action by National Security Council adviser Robert McFarlane, who is conducting Middle East policy through special envoys.

Reagan's batch of assistant secretaries are exceptional ideologues, and Jimmy Carter must take part of the blame for the motivation behind those appointments. If Kissinger started the process of injecting heavy doses of ideology into the department, Carter did nothing to stop it. An officer working in the Bureau of African Affairs says of the Carter appointees, "They came in with the attitude that because we had served under Kissinger, we were the enemy." Among Carter's appointees were highly political personalities such as Pat Derian, who brought a near-evangelical ardor to her position as Assistant Secretary for Human Rights.

"Derian was an affront to the Foreign Service," says a retired senior officer. "And when Reagan came in, he gave us conservative ideologues like Elliot Abrams as Derian's replacement, and Scott Burke as Deputy Assistant Secretary for Human Rights."

Still, most of the top State Department positions under Carter were filled by career officers, many of whom left the service during Kissinger's reign. Career or noncareer, most of them could have worked in any postwar Administration. Reagan, on the other hand, has men like Richard Burt, James Malone, Richard McCormack, James Purcell, Chester Crocker and Gregory Newell—all political appointees and all of his ideological stripe. Take Richard Burt, the former *New York Times* reporter who is Assistant Secre-



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tary for European and Canadian Affairs. As a reporter, Burt had been a conduit for the hard-line views of the Committee on the Present Danger. "Burt is very energetic and articulate," says one Foreign Service officer in the Executive Secretariat, the Secretary of State's staff of senior aides. "But his mind is already made up. He doesn't encourage debate or long-range thinking. Even the hint of a new thought in European Affairs is regarded with suspicion. Dissent is automatically regarded as pink."

Burt at least is viewed as capable. Other Reagan appointees are utter disasters. "Richard McCormack, the Assistant Secretary for Economic and Business Affairs, is a terrible ideologue who is also just incompetent," says an officer in the Executive Secretariat. "The real problem with these political appointments is that when they turn out to be totally incompetent, you have to try to work around them. In a bureaucratic structure, where lines of authority are firmly established, that is a very hard thing to do without letting the other guy know he's being cut out. With McCormack, nothing gets done when you cut him in on the business at hand."

According to another Secretariat officer, Secretary of State George Shultz will not read a memorandum signed by McCormack. When Elinor Constable, a career officer who is McCormack's senior deputy, has an important economic paper that she wants Shultz to see, she has it passed to him via another bureau.

When McCormack came aboard he insisted on personally scrutinizing every candidate slated for duty as an economic officer in every U.S. Embassy. The paperwork was too much for one man, so for a long time, no economic officers were appointed. By the time decisions were made, many of the best candidates had taken other jobs. McCormack ended up filling embassy slots with his second or third choices.

More often than not, political appointees under the present Administration have been strong on rhetoric but inept at carrying out their hard-line policies. The handling of export controls on sensitive computer technology to the Soviet Union is instructive. Trying to act on Reagan's campaign rhetoric, McCormack made stringent controls on such exports a high priority. First, he created the position of Deputy Assistant Secretary for International Trade Controls and tapped a researcher from the American Enterprise Institute, Dale Tahtinen, for the job. However William Root, director of the Office of East/West Trade who had been included on the *Human Events* hit list, was already in charge of that issue. Although no Reaganite, Root was also eager to limit exports of sensitive technology. The question became how to do it, unilaterally or through multilateral negotiations with America's Western European trading partners.

For two years Root tried to reach an agreement with the French, who had made it clear that if unilateral bans were imposed they would be more than willing to take Soviet contracts lost by American exporters. In painstaking negotiations that involved Shultz's personal prestige, an understanding was achieved last summer on a multilateral agreement that would limit exports to the Eastern bloc.

But in September McCormack and Tahtinen threw their weight behind a unilateral proposal that appealed to purist sensibilities. "It looked like the pipeline fiasco all over again," says Root, who decided to resign. "I went to Shultz before resigning and spelled out what had happened. After several months, he got McCormack to reverse himself." But the damage had been done. One more career officer was out. And underscoring how politicized export control policy has become, McCormack specified that Root's replacement be a noncareer officer. Robert Price of the Central Intelligence Agency prevailed in a close competition for the job with Elliot Hurwitz, an ideologue from a conservative think tank.

Politicization has taken its toll much deeper in the bureaucracy than the assistant secretary level. Now the deputy assistant secretaries are often political appointees, and several attempts have been made to place noncareer people in country director and desk officer slots below them. In such an atmosphere, the young Foreign Service officer quickly learns that politics can project one's career onto the fast track. Shortly after the 1980 elections, a junior black officer who had broadcast his conservative political views took a short trip to South Africa. Violating diplomatic etiquette, he sent a cable to the U.S. Embassy there, demanding a slew of meetings with high-ranking South African officials. The Ambassador in Pretoria met the officer at the airport and gave him a stiff lecture. The officer nevertheless managed to anticipate the new Administration's policy of constructive engagement with the South Africans, and he was rewarded with a fairly senior position on the Policy Planning Council.

Many officers, particularly those who have joined the State Department in the last two or three years, believe a politically polarized diplomatic service is inevitable. According to one junior officer:

> The standard Foreign Service line that a senior diplomat is capable of carrying out any policy is just not credible. That's not the way things work. People have politics whether they choose to disguise them or not. When I joined the service I was surprised at the tendency of so many of my peers to always equivocate—even in bull sessions. It explains why people in the White House think they have to go outside to find people who are prepared to carry out their policies.
>
> In a sense, the Foreign Service is not political enough. It might be better if there were recognized liberal and conservative factions of officers within the Foreign Service. Then the White House would be able to choose professionals for policy-making slots in whom they have political confidence.

The Heritage Foundation would no doubt agree with that view. But ideally, the public would be better served by diplomats who possess both political principles and professional understanding of foreign cultures and politics. Reagan's people unfortunately do not fill the bill. They are dedicated ideologues whose presence in the State Department makes it clear to career diplomats that foreign expertise under this Administration will always be less important than following the "correct" political line. In the long run that can only destroy the professionalism of America's diplomatic service and harm foreign relations. □

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BOOKS & THE ARTS.

Covered Story

PRUDENCE CROWTHER

NEWARK, April 23—A carton of several hundred 1.5-ounce jars of jam and marmalade fell from a transcontinental airliner Sunday evening and shattered the windshield of a car on the New Jersey Turnpike, the New Jersey state police said today. . . .

—The New York Times

The driver of the car, Pearl N. Hoffritz, who will be 62 Friday, suffered a deviated septum and smeared lap, but was otherwise unharmed, reported Highway Patrolman Morton Caulsen of Elizabeth, New Jersey. Mrs. Hoffritz's dress, described by her as a "cotton shirtwaist, sashed and printed with grain silos," was later taken to the Thomas Edison Cleaners in West Orange.

Also in the car at the time were Mrs. Hoffritz's daughter-in-law, Cheryl, 29; a neighbor, Doris Fairfax, 57; and Mrs. Hoffritz's fox terrier, Trajan, 5, Patrolman Caulsen added. All were uninjured. The four, from Flemington, New Jersey, were on their way back from the Molly Pitcher Kennel near Newark International Airport where the dog had stayed during the Hoffritzes' recent trip to Monticello, Thomas Jefferson's home in Virginia, three miles southeast of Charlottesville.

Iron Curtain Pulp

Officials of Globus, an international airline serving many gourmet foodstuffs imported from the Soviet Union, could offer no explanation as to why the contents of a carton of Unischmak stoned cherry preserves, produced in Hungary and exported by BudaPectin, had made its way from Flight 7 to the windshield of Mrs. Hoffritz's car, a 1979 Chevrolet Caprice Classic.

"It is beating me," said Igor Kutsk, marmalade chandler for Globus. Mr. Kutsk said that the carton had come from Comecon Caterers based in Rahway, and that several cartons "had been expecting" to go on the flight.

[U.P.I. reported that Federal Aviation Administration officials had deduced that the catering staff had made their delivery on the wing of the plane rather than inside. "The cartons were inadequately stowed," they said. "When the plane left, they apparently fell off."]

Awful Mess

When contacted, spokesmen for Tiptree and Hero, Unischmak's chief competitors, said they knew nothing of the incident. A preserves engineer at Smucker's said he doubted that jam was the real culprit. "The Young's modulus for jam—that is, its stiffness—is higher than for jelly. They're both flexible, but jam is stronger in terms of its ability to withstand stress. From police reports, we think it must be jelly, because jam doesn't shake like that."

Patrolman Caulsen said that Mrs. Hoffritz was in the process of signaling to get over to the right lane about 100 yards from Exit 29, on a path parallel with the runway, when the episode took place.

"She complained that her view was suddenly cut off by a shooting jar. Before she knew it, the windshield was broken and she was coated with fruit," Caulsen said.

Another driver near the accident turned in two cans of hearts of palm that he said had fallen from the same plane into the back seat of his convertible, police reported. Distributed in this country by CrimeaVeg, they were exported originally from Yalta. Officers at the heart-of-palm factory there could not be reached for comment, although a spokesman denied they had any record of anything.

Brunch

Mr. Caulsen said that he had checked back on Monday with Mrs. Hoffritz and her passengers, but that they "were reluctant" to discuss it further. Mrs. Fairfax did say that while she knew Mrs. Hoffritz had other dresses, she thought the grain-silo motif would be hard to duplicate. "It's not a contemporary image," she said, adding that the dress had probably come from Nebraska, where Mrs. Hoffritz's family originated. Her grandfather, Oscar Hoffritz, was the first man in Beatrice to own and operate a McCormick reaper.

Asked whether Comecon Caterers or Globus had volunteered to reimburse her for the dress or the cleaning bill, Mrs. Hoffritz said, "No, I've heard peeps from neither of them." The family is going ahead with plans for her surprise birthday party, scheduled for Friday evening, she said.

Arnold Duboff, an investigator with the F.A.A., said that air controllers who were in contact with the plane during its takeoff and departure reported

Prudence Crowther is editing the letters of S.J. Perelman.

AWAY

It is departure always that amazes
not the claims of this or some other shore;
many make their homes in distant places.

Changes of light, time, heart, mere commonplaces
against the final closing of a door.
It is departure always that amazes.

Exile is sweet, when chosen, it effaces
all we have learned, reveals what we must explore:
how we can make our homes. In distant places

meanders broaden. All praise is
due those turns we failed to take before.
Bless the departure, always. A maze is

what we make of our lives: impromptu braces
and timbers comfort the Minotaur
who finds himself at sea in open places.

Strange offspring! Our masks, our faces
fall as we strip them bare. What more
than departure possibly could amaze us
who have to make our homes in distant places?

Rika Lesser

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Ever wonder why the military has the run of every high school in the country, while community organizations usually find doors slammed in their faces?

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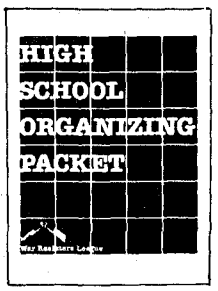

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no unexpected flight data from the pilot during the event. "At this time the Boeing 727 has no indicators that would detect wing jam," Mr. Duboff said.

He added that technicians at the F.A.A.'s flight safety laboratories in Piscataway had examined Mrs. Hoffritz's car upholstery at the Galloping Hill Wrecking Company near Fanwood, and that pectin samples had confirmed the identity of the preserves.

By 10 A.M. this morning, the airport runway was cordoned off for hosing after children from a nearby housing development began to collect with knives and toast. □

Required Reading

T.D. ALLMAN

WEAKNESS AND DECEIT: U.S. Policy and El Salvador. *By Raymond Bonner. Times Books. 408 pp. $16.95.*

"Why are we there?" asks Raymond Bonner, at the end of his excellent study of U.S. policy and El Salvador. "Can we accomplish what we profess to want, and above all, is our conduct morally justifiable in terms of the values the United States was founded to represent?"

If our political system is half so rational, responsive—and exportable—as most Americans imagine, Bonner's questions should frame a major debate this Presidential election year about Ronald Reagan's attempt to Americanize the blood-spattered politics of El Salvador. Yet again and again in *Weakness and Deceit*, Bonner, who reported from Central America for *The New York Times* and other publications, demonstrates why Presidential politics in the United States and El Salvador are unlikely to end either the Salvadoran catastrophe or U.S. complicity in it.

Of all the American weaknesses he analyzes, perhaps the most appalling is the incapacity, so amiably personified by President Reagan, to transcend the simplistic mind-set that has led the United States to make itself the ally of repression and the arsenal of terror in so many Third World nations. "I get a lot of mail asking me to examine my conscience and every so often I do examine it," Deane Hinton told Bonner one evening near the end of his two years as Ambassador.

"And what do you find?" Bonner asked.

"The alternative would be worse."

As far as the legions of diplomats, military men, C.I.A. agents and other administrators of the Reagan policy who populate Bonner's book are concerned, the only alternative to a U.S.-sponsored reign of terror seems to be not merely a guerrilla victory but the establishment of a Soviet beachhead in El Salvador, threatening "the whole of Central and possibly later South America, and I'm sure, eventually, North America," as President Reagan put it in 1981.

Few American journalists have studied the Salvadoran opposition, political and military, as thoroughly as Bonner. His analysis of the guerrillas and their civilian allies is especially valuable in light of the Administration's insistence that they are the agents of a Nicaraguan-Cuban-Soviet conspiracy. In historical fact as opposed to American fantasy, Bonner points out, the major Salvadoran guerrilla groups all have anti-Soviet origins and still harbor suspicions of the Soviet Union. They "have also held divergent views about Cuba and Nicaragua," he adds, with many Salvadoran insurgent leaders expressing "disapproval" of the policies of Castro and the Sandinistas.

Reality also rebuts the illusion that the Salvadoran guerrillas are some monolithic, externally controlled menace committed to imposing a Marxist-Leninist dictatorship on the country, as U.S. officials continue to insist. Instead, the Farabundo Martí National Liberation Front, named for a Salvadoran leftist leader who was killed by the military after a similar uprising in 1932, is a coalition of diverse and often antagonistic military factions. Ideologically they range from Marxists to Christian Democrats, but they all have one thing in common: they have been steadily forced into the role of armed military—rather than peaceful political—opposition by years of violent repression.

Despite that, four years of slaughter seem not to have radicalized the guerrillas beyond the point of no return. While the U.S.-backed forces (even

T.D. Allman is a contributing editor of Harper's. Unmanifest Destiny, *his study of U.S. intervention in Central America, will be published by Dial in September.*

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after their "human rights training" by American advisers) continue to commit gruesome atrocities, Bonner points out, it is "guerrilla policy to treat prisoners well," if only because it encourages military defections. Guerrilla leaders committed to a negotiated settlement have steadily gained the upper hand while U.S. officials repeat the claim that dedicated Marxist-Leninists have seized control of the insurgents. Of all the deceits in U.S. policy that Bonner illuminates, this is surely the most revealing: for more than four years El Salvador has been racked by war not because the country is threatened by a "communist takeover" but because the United States and the Salvadoran military are opposed to the kind of compromise peace settlement favored by the guerrillas and by democratic U.S. allies like Mexico, Venezuela and Colombia.

Bonner, it should be emphasized, is no apologist for the Salvadoran opposition. As his book makes clear, the politics of blood is not limited to those Salvadorans the United States has chosen to support. In April 1983 in Managua, Nicaragua, two Salvadoran guerrilla leaders—Salvador Cayetano Carpio and Melida Anaya Montes—died under mysterious but revealing circumstances. Montes, better known as Commandante Ana María, was murdered by members of a rival leftist faction. Less than a week later Carpio, who was widely suspected of ordering Montes's death, was also dead.

The official explanation was suicide. But as Bonner points out, "Hardened revolutionaries don't commit suicide." Both deaths were "linked to a bitter schism" inside one of the guerrilla groups. Far from being explicable in terms of some Soviet or Cuban master plan, the opposition, as Bonner puts it, "is a political Rubik's cube."

Interestingly enough, the two dead leaders were rival members of an insurgent group that did have close relations with Cuba. But Joaquín Villalobos, whom Bonner describes as "the dominant guerrilla leader" and "the best military commander on either side of the war," comes from quite a different background. Of middle-class origin, Villalobos heads the People's Revolutionary Army which was organized by "frustrated Christian Democrats" and student Maoists. Ideologically, Villalobos's group has been critical both of the Soviet Union and of alignment with Cuba. Like other guerrilla leaders, Villalobos has personally offered to negotiate with the Americans, and has also opposed terrorist tactics such as attacks on U.S. personnel and the execution of captured Salvadoran soldiers. Yet Villalobos hardly seems a mere misguided liberal. In yet another internal power struggle, he ordered the execution of Roque Dalton García, one of El Salvador's most famous poets.

While Bonner has no illusions about El Salvador's revolutionaries, he recognizes what any objective observer of events there must: the most wanton killers in El Salvador clearly are not on the "communist" side but among the "anticommunists" the Reagan Administration has so eagerly befriended. Nor does portraying the guerrillas as agents of Soviet aggression serve either the United States or El Salvador well. Bonner writes:

> Among the leaders of the Salvador revolution are Marxists and hard-line Leninists. . . . But within the opposition there are also many democrats. The challenge for U.S. policy is to work with and bolster the latter. The United States has worked hard to bring the Salvadoran right . . . into the political process. Surely the United States can reach out with the same effort to the left. A leftist government does not necessarily have to be anti-American and pro-Soviet. It probably would not be.

If the guerrillas bear little resemblance to the official U.S. stereotype, our officials, as Bonner portrays them, have even less in common with the stereotype of Americans as the champions of decency and democracy. In damning detail, he describes how U.S. officials have condoned the worst crimes of their Salvadoran protégés while misrepresenting the facts of the situation to the press, to Congress and to the American people.

Although one of the ostensible purposes of U.S. intervention is to foster respect for human rights among members of the Salvadoran regime, Bonner's account reveals that quite a different metamorphosis has occurred. U.S. officials embroiled in Central American matters have become as intolerant of criticism as any Salvadoran colonel or oligarch. They reserve special wrath for U.S. journalists who challenge official American dogma.

"I'd like to get [John] Dinges [another reporter whose coverage of El Salvador has been excellent] and Bonner up in a plane," senior U.S. military adviser Col. John Waghelstein once remarked, in an apparent reference to the old Indochina custom of throwing "sub-

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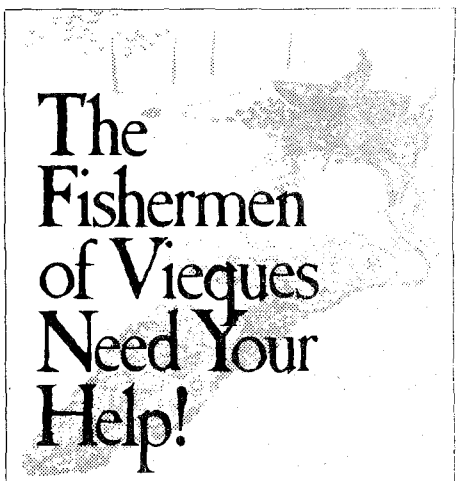

The Fishermen of Vieques Need Your Help!

Vieques is an island-municipality in Puerto Rico. After World War II the U.S. Navy took over the island and converted ⅔ of it into a weapons-training base. Since then Vieques has been used as a staging center for the invasions of other Latin American countries. It was in Vieques that the occupation of Grenada was rehearsed and where the potential military invasion of Nicaragua is now being explored through the Ocean Venture 84 "training maneuvers."

While billions of U.S. dollars have been committed to these exercises in destructiveness and the eco-system of Vieques suffers the consequences of years of bombing and shelling, the fishermen of Vieques continue their determined efforts to regain their island.

In La Esperanza (Hope) they have managed to keep a small-scale fishing cooperative alive. Their revenues are very low and their equipment is rapidly deteriorating. At this moment one of their main freezers is malfunctioning and supporters of their cause have organized a campaign to raise $900 to purchase a new one. Your contribution will help to save the oldest industry in Vieques!

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versives" out of military aircraft. Fittingly, Colonel Waghelstein made his comment at a Fourth of July party in San Salvador. U.S. intervention has not brought American-style freedom to El Salvador, but it clearly has subverted the commitment of at least some important American officials to the rights we are supposedly defending there.

The title of Bonner's chapter on the U.S.-supported (and -manipulated) electoral process in El Salvador, "Elections Sí, Democracy No," places Washington's euphoria about the presidency of José Napoleón Duarte in proper perspective. But his most chilling, and valuable, contribution is the detail in which he portrays American officials' refusal to face the facts concerning the country they imagine they can save. Over and over, U.S. officials—notably, the intelligence agencies—demonstrate not merely an astonishing ignorance of the realities of El Salvador but an even more remarkable determination to avoid the contagion of fact.

With the publication of this book, there can no longer be any excuse for such ignorance, if there ever was. *Weakness and Deceit* should be required reading not only for every American voter but also for those in the State Department, the Pentagon, the C.I.A. and, above all, the White House. □

Patriotic Gore

NICHOLAS VON HOFFMAN

LINCOLN. *By Gore Vidal. Random House. 657 pp. $19.95.*

The cover of Gore Vidal's *Lincoln* declares the book a novel, but 657 pages later you still can't be sure exactly what you have read at such great length. A novel it isn't, if by a novel one means a work of the imagination, a piece of fiction, a fable, a story, an invention. By any such definition *Lincoln* is not a novel. Most of the people in the book once lived; their characters as delineated by Vidal are drawn not from his imagination but from history; there is no story line, no plot except for that provided by the hodgepodge of history. If art is the rearrangement of reality, this book fails the test.

In *War and Peace, A Tale of Two Cities, The Three Musketeers, The Hunchback of Notre Dame* or, more to the point, *Gone with the Wind*, historical novels all, the writers use history for their own purposes. With *Lincoln*, Vidal allows history to use and dominate him. His book sticks so closely to the actual chronology of events and has so little of his imagination in it that it merits review by a historian, for what Vidal has brought forth is history as soap opera. But, alas, it's soap opera that sometimes dies in discussions of constitutional matters, inflation and the humdrum of politics which was no more diverting in the 1860s than the same kind of arcana is now, when we flee from those Mondale-Hart campaign thumb suckers in the morning paper. That is not what people read fiction for.

The book has other problems. Its focus is ambiguous. Supposedly Lincoln is the main character, but he is elusive, almost absent. He talks a lot, too much, as in this less than flashy monologue to Massachusetts Senator Charles Sumner:

> I was unanimously nominated at Baltimore by our party. Now you want me to withdraw from the contest in order to make room for a better man. I wish I could. I mean that, Sumner. Because I am sure that there are many better men than I for this work. But they are not here, and I am here. Now let us say you find this better man, and I step aside. Can he—endorsed by your hollow if pure true Republicans—unite the party. . . . [and on and on] . . . There are those who say I prolong the war because I lust for power. Well, that is nonsense, as you know. I may have once wanted—even lusted—for power, but all that has been burned away. There is nothing left of me. . . . [and on and on some more] . . . In fact, you and your better man can come to my funeral, for I have known for some time now that when this conflict is over, I end.

And not a moment too soon, Abe.

Vidal's Lincoln, as opposed, for example, to Sandburg's Lincoln, does not come together into a believable person, perhaps because the writer is too weighed down by respect for the facts. Vidal doesn't do enough lying and yet at the same time he has not attacked his subject as a biographer might either. He has suspended himself somewhere between the two methods. He is more successful with Mary Todd Lincoln and quite successful in drawing an engaging portrait of Secretary of State William Seward.

He doesn't do too badly with Salman P. Chase and his daughter, Kate, but if you've read their biographies, you know that the father and daughter who appear in this novel are not nearly as engrossing as the real items. By the same token the spidery, conniving Edwin Stanton, Secretary of War, is a pale copy of the original. Things might have been otherwise had Vidal not chosen a man and an era that have attracted a succession of gifted writers for a century now. By staying so close to familiar events, he invites comparison with others who have covered the same material. When he depicts Lincoln's visit to the freshly conquered enemy capital, the reader remembers Shelby Foote's wonderful description of the same incident, and as Foote is an incomparably better and more careful writer of prose, Vidal comes off the inferior.

Vidal is never able to digest his material, to integrate it into his book. He borrows from others, which is fine, but he drops what he has taken almost unchanged into his novel, giving it a disjointed feel. Here, for example, is an excerpt from Vidal's account of Lincoln's realization that he is winning a second term:

> Together, with only Lamon in attendance, they crossed the dark empty street to the War Department. The steamy rain had let up for a moment. . . . A guard in a rubber cloak saluted as the President . . . went . . . to a side door where a soaked and steaming sentinel saluted him. . . .
>
> . . . Just off the Telegraph Room was a small office where the military codes were kept. The man at the machine greeted the President, who asked for Major Eckert.
>
> "Here he is," said the army's chief telegrapher. In the doorway stood the young major, covered with mud.
>
> ". . . I fell, sir. In the street. I was watching somebody up ahead who was slipping and sliding so comically that I started to laugh, and fell on my face." . . . As he mopped up, the Tycoon [one of the nicknames Lincoln's secretary John Hay had for him] told of the evening of the day that had decided the contest for Senate between him and Douglas. "It was a night like

Nicholas von Hoffman's novel, Organized Crimes *(Harper & Row), will be published in the fall.*

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this. I'd read the returns, and knew I'd lost. So I started to go home, along a path worn hog-back and slippery. Then one of my feet slipped and kicked the other and I fell, but I landed on my feet anyway, and said to myself, 'Well, that was just a slip not a fall.'"

And here is the same election night as it appears in John Hay's diaries:

> The night was rainy, steamy and dark. We splashed through the grounds to the side door of the War Department where a soaked and smoking sentinel was standing in his own vapor with his huddled-up frame covered with a rubber cloak. . . .
>
> Eckert came in, shaking the rain from his cloak, with trousers very disreputably muddy. We sternly demanded an explanation. He had slipped, he said, and tumbled prone, crossing the street. He had done it watching a fellow being ahead and chuckling at his uncertain footing. Which reminded the Tycoon, of course. The President said, "For such an awkward fellow, I am pretty surefooted. It used to take a pretty dexterous man to throw me. I remember, the evening of the day in 1858, that decided the contest for the Senate between Mr. Douglas and myself was something like this, dark, rainy, and gloomy. I had been reading the returns, and had ascertained that we had lost the Legislature and started to go home. The path had been worn hog-backed and was slippery. My foot slipped from under me, knocking the other one out of the way, but I recovered myself and lit square; and I said to myself, 'It's a slip and not a fall.'"

With Vidal's novel, it's a fall, not a slip. □

Flaks and Flak Catchers

MARK HERTSGAARD

THE OTHER SIDE OF THE STORY. *By Jody Powell. William Morrow. 322 pp. $15.95.*

STRAIGHT STUFF: *The Reporters, the White House and the Truth. By James Deakin. William Morrow. 378 pp. $17.95.*

PRESIDENTS AND THE PRESS: The Nixon Legacy. *By Joseph Spear. MIT Press. 349 pp. $19.95.*

It's hard not to like someone as funny as Jody Powell. When former Georgia Governor Lester Maddox called a press conference during the 1976 Presidential campaign to dispute Jimmy "I'll Never Lie To You" Carter's claims of unparalleled political honesty, Carter press secretary Powell shot back, "Being called a liar by Lester Maddox is like being called ugly by a frog."

In his new book on the White House and the press, Powell lets loose on the Debategate case, particularly the curious amnesia exhibited by David Stockman and other top Reagan campaign officials about how Carter's confidential briefing materials found their way into their hands and out again. (Stockman told Congressional investigators that although he did use the materials, he could no longer find them, and presumed his staff had thrown them out during the transition process.) He has great fun with Stockman's updated version of the old grade-school fib, "The dog ate my homework":

> Thanks in part to [Stockman's] efforts, Reagan won the debate and the election. From little-known congressman to president-maker in less than sixty days, and Stockman throws away every scrap of paper, every note and memo associated with his meteoric rise to national prominence. Buy that one on faith, and I'd like to talk to you about some aluminum siding.

From the opening pages of *The Other Side of the Story*, Powell comes across not only as a funny guy but as a man you can trust. He is self-deprecating without being sappy, he quotes unobtrusively from The Bible, he confesses to liking reporters ("The sordid truth is that I have actually become somewhat fond of the breed"), he uses colorful language and homey phrases, he communicates quiet confidence and sincerity.

Sound a little like someone else we all know? It sure does, but there is a big difference between Jody Powell and the Great Communicator. Powell, I believe, is not a faker. More to the point, he is smart as a panther and doesn't need anybody giving him his lines. The press coverage of the Carter Administration, he says, was in many cases unfair, and the situation will repeat itself with future Presidents unless the news media is reformed. The root of the problem is the media's economic interest in supplying a product that will sell—information the consuming public will find interesting—often at the expense of accuracy and fairness. As a remedy, he suggests that news organizations should report more on one another's performance so that the media's mistakes and shortcomings receive as much attention and correction as the failings of government officials.

Powell cites the accounts of Hamilton Jordan's alleged snorting of cocaine at Studio 54 and Jordan's spitting of an amaretto and cream cocktail at a woman in a Washington bar as particularly egregious examples of sensational reporting. He is compelling in his argument that the details of the Camp David negotiations could not be immediately shared with reporters if the meeting was to have a chance of success. He attacks as unfair and wrong the media's charge that Carter played politics with the hostage situation by holding an unannounced press briefing at 7:20 on the morning of the 1980 Wisconsin primary. (Powell says that Carter's polls had shown him well ahead in Wisconsin for several days and that Carter made the announcement so quickly in order to prevent the Iranians from withdrawing their offer, which they later did anyway.) He is especially annoyed at what he regards as the media's fawning treatment of Edward Kennedy's quest to wrest the Democratic Presidential nomination from Carter; his argument would be stronger if he acknowledged that the media turned on Kennedy once he had entered the race.

Some of those accusations strike home, and Powell argues his points forcefully. There is no question that the Carter Administration took some cheap shots from a press corps that couldn't bring itself to see a bunch of Southern boys as proper White House material. But Powell's analysis of the relationship between the government and the press is one-sided and incomplete. His strong implication is that it was the media rather than Carter's performance that did in his former boss four years ago; on the enormous power of the White House to manipulate the news and on his own considerable skill as press secretary, he remains largely and perhaps disingenuously silent. He does acknowl-

Mark Hertsgaard, author of Nuclear, Inc.: The Men and Money Behind Nuclear Energy *(Pantheon) and an associate fellow at the Institute for Policy Studies, is writing a book about the media's coverage of Ronald Reagan.*

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edge the success of Reagan's propaganda operation, and in an interview with me he even complained that the media's timid coverage has been sending a message to this and future Administrations: "O.K., guys, the best way to deal with me is just to kick my ass." But if the media is as unfair to Presidents as Powell says it is in his book, the big question of this election year—How is Reagan getting away with it?—becomes even more difficult to answer.

Neither James Deakin's *Straight Stuff* nor Joseph Spear's *Presidents and the Press* answers that question, but they do help one think about it. Deakin was White House correspondent for the *St. Louis Post-Dispatch* from 1955 to 1980. His book comes close to being as fast and entertaining as Powell's, which is saying a lot, since *Straight Stuff* deals with White House-press relations going all the way back to Dwight D. Eisenhower. Deakin's prose has a bright, quick ring, like a ball peen hammer striking a steel bar, and a crusading, moralistic tone. He once said that he subscribes to the view advanced by the late American humorist Mr. Dooley: "The press exists to comfort the afflicted and afflict the comfortable."

At Powell's book-signing party, Deakin told a *Washington Post* reporter, "The man worked for an unsuccessful President, and he's looking for a scapegoat." He admits that reporters are often combative and don't concede error easily but argues that that is a relatively small price to pay to preserve press freedom. Attacks like Powell's, he believes, play into the hands of the New Right and other reactionary elements who have been trying since the Nixon-Agnew days to discredit the media as a gang of left-wing crazies so that they can quash free inquiry and impose their own authoritarian brand of thought.

But Deakin's fear that any admission of guilt by the press will be used to destroy it weakens his book. In particular, he is reluctant to give equal stress to the ways in which reporters and especially editors, producers and media executives allow themselves to be manipulated, or pull their journalistic punches out of deference to the Presidency. He does recognize the problem, and in a passage on Eisenhower which applies equally well to Reagan, he describes the subtle process by which the limits on debate are passed from the top of news organizations down:

> Most newspaper publishers were Republicans. Their editors were salaried employees. . . . The reporters knew this. They tried sporadically, but they could not demonstrate a full-scale alternative to the official line. And they knew that if they somehow succeeded in doing this, they would find it virtually impossible to get it into print. So they did not try too hard. [Eisenhower press secretary James] Hagerty knew this, too. It was what you call an atmosphere, a climate.

Deakin also quotes Bill Moyers saying, "most of the news on television is, unfortunately, whatever the government says is news," and points out the danger of the media's reliance on official sources. But those insights are quickly passed over in favor of emphasizing the villainy of the media manipulators in the White House.

Deakin's historical survey of White House-press relations makes it abundantly clear that most of the techniques employed by the Reagan image-makers have been used before. He credits James Hagerty, himself a former reporter, with defining the job of White House press secretary in the modern age. Hagerty understood a basic truth about dealing with the press, a truth that those in the Nixon White House refused to acknowledge, to their cost, but which Ronald Reagan's media handlers have applied virtually to perfection: Do not distrust the press; do not abuse them. Use them.

In *Presidents and the Press*, longtime Jack Anderson reporter Joseph Spear argues that it was Nixon who elevated press manipulation to its current level of sophistication and importance. The strategy Nixon created for molding public opinion consisted of three interlocking parts:

> The president is isolated and the press is appeased with positive or harmless news; television and propaganda tactics are used to evade the press and address the people directly; and the flow of negative news is stemmed through the intimidation of reporters and their sources and through the use of censorship techniques, such as the classification of information.

Spear's account of how the Nixon team put that philosophy into practice contains little that we did not already know from the Watergate investigations and the memoirs of those in government and the media at the time, but it is valuable to have the whole seamy story in one place. Slogging through it, recalling the aggressive and hateful way Nixon went after the media with the combined power of the Federal Bureau of Investigation, the Internal Revenue Service and the Federal Communications Commission, one understands why reporters like Spear and Deakin resist even relatively mild calls for reform from decent men like Jody Powell.

As flawed and co-opted as it is, the news media is still a potentially formidable weapon against the rich and powerful, who are therefore willing to seize on the merest pretext to silence or discredit

NEXT

In Puvis de Chavannes, the figures posed
along the landscape are other landscapes,
places we have been or mean to be,

(though their combined horizon stretches farther
than a man can see at one time—or in one lifetime).
The amphora poised on the slenderest shoulder

is how everything is balanced: the sky
supported by the columns of trees; the earth
suspended from their shade, and between the two,

the overall lavender and well-kept greenery.
No one can move without the river overflowing
or the pear dropping from the baby's reach.

Even we must stand this far away,
squinting from the other side of the stream
or into the stream itself. What do we see

reflected if not ourselves, posed there
a moment, before moving toward the next?

Michael J. Rosen

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t. The bunker mentality produced by his state of affairs in Spear, Deakin ınd their colleagues is unfortunate be-:ause it impedes those reforms that are ıecessary. More investigative reporting, ess deference to corporate and state au-hority, more focus on what is impor-ant rather than what is merely new, nore publicly controlled media outlets—hese are just a few changes that would mprove American journalism.

What is lacking is not polemical re-›orting but accurate reporting. Reagan ınd his propaganda team are highly ikilled at managing the news, but the ›ress is an active if often unwitting par-icipant in its own manipulation. Last nonth, Reagan gave a televised speech ıbout Central America filled with so nany unproved accusations of Com-nunist subversion that it could have ›een written by Joe McCarthy's ghost. It seems important for the media to :hallenge assertions by the President :hat are, at best, not necessarily true. Yet not one of the network commen-tators did so in his speech summary, nor did the next day's accounts in *The New York Times* or *The Washington Post*. It was as if the emperor had walked down the street and no one had the courage to point out that he was wearing no clothes. □

THEATER.

PAUL BERMAN

Hang On To Me
The Wiz

"We'll take a bunch of Gershwin songs and combine them with Russian constructiv-ism," said the young director. "Then it's next stop, Broadway!"

"What's constructivism?" Tommy Tune wanted to know. "But don't an-swer. You're fired. I'll do *My One and Only* ismless, except for patriotism and sentimentalism! I'll do it without you, by myself and only."

"Fine," the young director said. "Screw Tommy Tune. I've got Ira Gershwin's widow in my corner. I'll take a bunch of Gershwin songs and go *beyond* constructivism. I'll dig up a dreary Russian play full of tortured souls. Something really *awful*. Some-thing the Gershwin ancestors fled Rus-sia to *escape*. I'll set *this* to a Gershwin score. The horrible tortured Russian souls will warble 'Lady Be Good.' I'll give it a title from Gershwin, *Hang On To Me*. And next stop . . . Minneapolis! You'll see."

I went, I saw. I saw why Tommy Tune fired the young director. That young man, Peter Sellars, is crazy. A good quarter of what he does is incom-prehensible. Why, for instance, did he bedeck Minneapolis's Guthrie Theater with giant posters of Margaret Thatcher, Karl Marx, the Czar, Lenin, Reagan, etc.? The young man must be very im-mature. Just possibly he's also more talented than Tommy Tune.

His Russian play is *Summerfolk*, by Maxim Gorky, which is a veritable gloom off the steppes. Characters roll across the stage like bits of fog, weeping about the meaninglessness of life among the intelligentsia. Should reality be em-braced, or fig-leafed over with art? Is there purpose to life aside from good works for the suffering masses? Maybe we're better off dead? Maybe this is a chat from the tomb? The noise of Rus-sians ripping hair from their heads con-tinues for four hours. Nothing happens. No plot intrudes. But it's all very dra-matic because you realize these people, the educated middle class, have had it. Their morale has sunk. Any moment a vast unfriendly social catastrophe is going to cross the stage and put a bullet through their heads.

And so it happened. Appreciation of *Summerfolk* is enhanced by remember-ing that Gorky wrote the play in 1904, the year before the first Russian Rev-olution broke out. The intelligentsia was finished. Rrrrip—there goes an-other tuft.

Sellars has fitted the play, with a few nips and tucks to get it right, for modern America. Everyone wears Amer-ican names and clothes. There's a little less talk of social idealism, a little more physical action. The actors climb all over the theater, sing from the aisles (more about those songs presently), clamber across the seats, throw choco-lates at the audience. The lighting works every trick in the book, and the cumula-tive effect is very odd. You get the feel-ing Gorky's play is waving through the mist from a distant hill. Now and then the clouds part, the storm clears, and we see the play full face. This lasts a few lines. Then it's rain and snow again, and it's Sellars we watch, not Gorky. At least he manages to entertain. Four hours, after all. Maybe the tomfoolery gives us room to think about what we're seeing.

We certainly think about the songs.

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What are they doing here? *Hang On To Me*'s music director, Craig Smith, thinks that because the Gershwin family came from Russia before George and Ira were born, there's something Russian about Gershwin music. That is a variation of the traditional "Jewish" take on Broadway music, according to which classic Broadway glitz descends from ancient Jewish spritz, which is passionate, sad and melancholy. Every time a Broadway song shifts into minor, partisans of this dubious theory pound the desk and feel reassured.

But no one will pound desks because of *Hang On To Me*. Gorky's tormented souls look up from tearing their hair and break into "Nice Work If You Can Get It," "The Half Of It, Dearie, Blues," "Little Jazz Bird" and seventeen other gems from the Gershwin repertoire. And about these songs one never thinks, How very Russian, how like Gorky they are.

Mostly one scratches one's head, and grimaces, and feels badly for the Gershwins, and wonders what Ira Gershwin's widow had in mind giving Sellars her blessing. But after a while the novelty of inappropriateness wears off, and one calms down, and a strange thing happens. Moods, let us say, come on three levels. There is the subterranean and the depressed, which was a specialty of Gorky's. There is the surface-level mood, the ordinary, which Gorky also did handsomely by. And there is the up-in-the-air joyous, which was not a Gorky forte. That third level, the non-Gorkyan celestial, was precisely a specialty of the Gershwins. The melodies are so lovely, the rhythms so catchy, the lyrics so literate and witty and sometimes so acute in a Gershwin song that emotion rises effortlessly to the joyful—even when the song is sad, or perhaps especially then (joyful sadness being a specialty of American music).

Thus the music starts, and Maxim Gorky suddenly levitates to a joyful grace he never had, or wanted. And the effect is not altogether implausible. Gorky's gloom birds can be hard to take, especially when they have names like "Babs" and "Steve." They accuse themselves of lacking moral seriousness, of living trivial lives. They mope and grouse and sound very intellectual, and it doesn't seem much like summer days at an American resort. But along comes Sellars and the gloom birds reveal another face. They make silly repartee, fall sweetly in love, feel sentimental and foolish. They delight in themselves, courtesy of the Gershwins, and they seem more human for it, anyway more American. And meanwhile the singing reveals that everything bad they say about themselves must be true. For here is the world sinking into tragedy, here are souls crying out with anguish, here are hearts broken, lives thrown away without purpose—and what are these stupid people doing about it? They're singing "Delishious." They're singing "Fascinatin' Rhythm." They deserve the revolution. Gorky was right. The Gershwins prove it.

The set includes a series of giant fifteen-foot photo-like drawings of peasants, lurking in the rear. There is a giant blowup in *My One and Only*, too, of a locomotive, which was kind of a silly idea. But there's nothing silly about the giant peasants in Sellars's show. They are stern. They are huge. They are frightening. And it's not at all clear what they are doing on stage. This is America? Where people sing "Delishious"? The peasant portraits play no part in the action, which leaves us room to spend a long evening wondering what they are supposed to mean. Maybe the portraits represent the past, the working-class parents of those tormented Gorky characters. They might be our own parents or grandparents, for that matter. Maybe they are the future, the revolution that's on its way. Sellars includes a note about Bloody Sunday in Petrograd, when naïve, foolish old Father Gapon led a crowd of simple impoverished supplicants to beg justice from the Czar and the crowd got massacred by cossacks. The portraits might be Father Gapon and his crowd. They might be the pleading masses.

They are, at any rate, the social reality. They raise a silent objection. The suffering masses exist; life is not summed up by the self-tormenting middle class vacationing at a resort; the Gorky characters have reason to blame themselves for the life they lead. Everything comes together in this play. Everything points an accusing finger. The giant peasants point. Gorky points. The Gershwins point. The klieg lights shine in our eyes until we avert our heads. And there's no doubt that Sellars, with his ridiculous antics, the fooling with the play, the horrible disrespect for the Gershwins, the vandal's stance he's taken, has flung an awful condemnation in his audience's face. In all his silliness, he's made himself more ferocious than Gorky. Are we any better than these inane vacationing middle-class intellectuals? he seems to be asking. Are our lives any more purposeful? Do we act on morality or ideal-

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ism any more than Gorky's characters do?

I hope Sellars hasn't stopped fiddling with *Hang On To Me.* The play is hopelessly long, the Gershwin-Gorky marriage is doomed to instability at best. Rough spots last an hour at a time. But he has already accomplished something. He manages to be wittier, goofier, more lyrical in this play than we're used to seeing in the theater. He's made something new. You'll gag when you see it, but that's all right; you'll also come away sobered. Imagine, coming away *sobered* from a Gershwin musical.

On the subject of respect for the music in musicals: there isn't enough of it. *The Wiz* went into revival a couple weeks ago and you could see the problem. The songs in *Wiz* aren't exactly in the Gershwin, Harold Arlen-E.Y. Harburg league. "Ease On Down The Road" had virtues when the show was first done nine years ago mostly because heavy funk rhythms were relatively new and "Ease On Down" funked it up with a funny twist on "Follow The Yellow Brick Road." But the songs do allow for open-throated singing and an element of spontaneity, which are the reasons to use such simple R&B musical structures. The simplicity builds a platform for vocal virtuosity. Some of the performers in the current *Wiz* can certainly rise to the occasion, for instance Ann Duquesnay and the star, Stephanie Mills. If only there were more occasions. The show has one decent five-minute stretch—at the end, when the pace lets up enough for the music to come center stage. Ultimately Stephanie Mills stands all alone in a white dress in front of a black curtain and does nothing but sing "Home." The night I saw her, she did it with a lot of feeling and a touch of spontaneity, and finally! *The Wiz* produced something worth seeing. Then the lights came on, the audience started up the aisles, and something else happened. The orchestra was playing exit music, and for the first time in the evening loosened up a bit. That drummer was hot. The orchestra was hot. Hey, this could have been a good show. But I think I have in mind a musical in which music is the featured star. □

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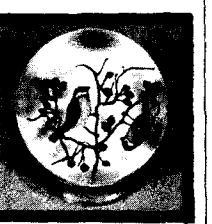

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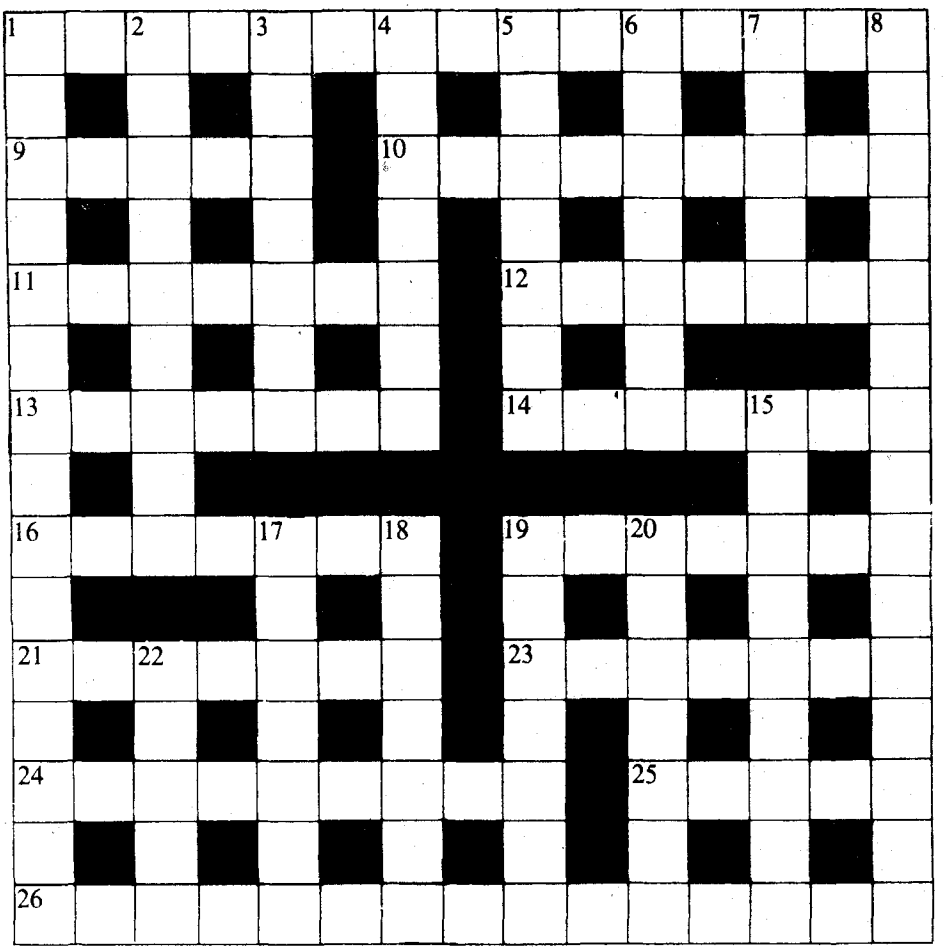
FRANK W. LEWIS



ACROSS

1 If you're asking at the store's information desk where to buy something, do this—you may know the secretary here. (5,10)
9 Italian approaches to capital—all of them? (5)
10 Such things can't be held without having the power to get around a number. (9)
11 Where they live in the deepest South, despite the means of solution taking a different direction. (3,4)
12 Horatio, for example, has a first-class return from a foreign country. (7)
13 Mittens, boots and writing paper might all be this, being wrinkle-free. (7)
14 Something retroussé does, as it appears. (5,2)
16 Its rate is variable, being more likely to elicit a smack. (7)
19 A quiet going-over—that'll show what's coming! (7)
21 Sees with difficulty around the cover, but still flies. (7)
23 Is there a berth here for a dark horse? (7)
24 If you don't heed this call, you might be in the main passage for some time. (3,6)
25 Abstract art is practically under foot! (5)
26 In which they go down in the rankings? (10,5)

DOWN

1 Down tools! Hooray for the organization! (Or perhaps it's just a call for play time.) (6,2,3,4)
2 With the lamb's owner, everything exists around it as a floral example. (9)
3 Point in the rear, or on the Atlantic side as far as we are concerned. (7)
4 The unsullied rise with one of the Kennedys shows what certain mountains did. (7)
5 One way to force an approach, offering a tart mixture to the deed. (7)
6 The varied range at which a flier shows up? (7)
7 Do such days of fasting come at the end of several months? (5)
8 Wordsworth asked who is this? So Roosevelt dubbed Smith! (3,5,7)
15 Without elision, describes Shakespeare's pantaloon—or is it just with mules? (9)
17 It might be hard to get through part of the shrimp, as seen here. (7)
18 One can't without stimulus, but Caesar's thing seems to be above water! (7)
19 Father commonly gets back on horse. (7)
20 In short, a facsimile for use in print set apart, or otherwise. (7)
22 Settles down a fairly large number with a certain amount of charity. (5)

SEE LAST WEEK'S SOLUTION AT LEFT

PUZZLED?

No more cross words. If you don't see why "Lures" are "Ground Rules," send for those of Mr. Lewis to *The Nation*, 72 Fifth Avenue, New York, NY 10011.

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